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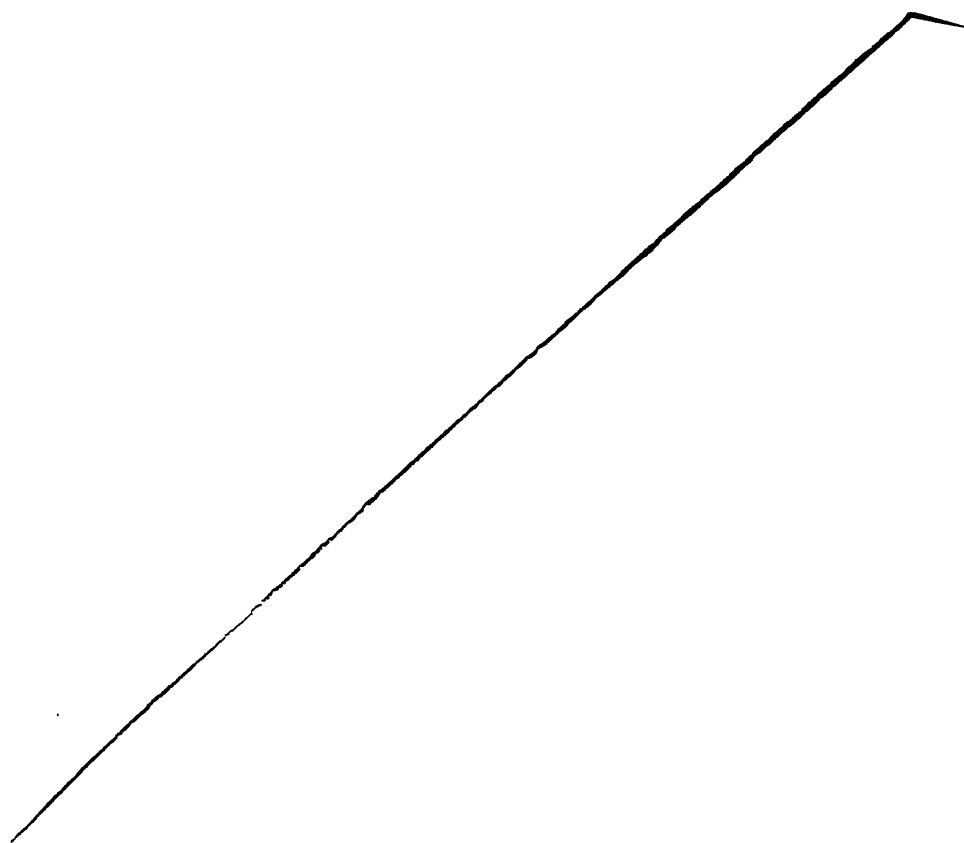
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**Lancaster and Chester.**

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THE  
**History of the Church & Manor of Wigan**  
IN THE  
COUNTY OF LANCASTER.

BY THE HONOURABLE AND REVEREND  
GEORGE T. O. BRIDGEMAN,  
*Rector of Wigan, Honorary Canon of Liverpool, and  
Chaplain in Ordinary to the Queen.*  
(AUTHOR OF "A HISTORY OF THE PRINCES OF SOUTH WALES," ETC.)

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PART I.

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PRINTED FOR THE CHETHAM SOCIETY.  
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## INTRODUCTION.

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THE History of the Church and Manor of Wigan possesses an interest of its own, not only from the close connection of the one with the other, but also from the fact of its being the only instance, as far as I know, in which a secular priest held, in right of his church, such plenary powers as were conferred upon John de Winwick and his successors by King Edward III. There were others who became lords of the manor as parsons of their churches, as for instance the rectors of the neighbouring parish of Winwick, but I am not aware of any, beside the rectors of Wigan, who enjoyed a view of frankpledge, acquittance for themselves and their tenants from attendance at the Sheriffs' tourns, cognizance of all pleas as well concerning lands, tenements and rents as concerning transgressions, covenants and complaints, together with issues, forfeitures, amercements, fines and redemptions in cases of this sort arising within their town, manor or lordship, and also pleas of assizes, concerning tenants within their manor, who should happen to be arraigned before the King's justices appointed to hold assizes within the county, so that the said justices, when called upon by the parson or his bailiff, should give them up to



him to be tried in his own court. The parsons, moreover, were empowered to enquire into all felonies perpetrated within their town or liberty, and to keep the felons in their own prison until the next gaol delivery. These, with other privileges, were conferred upon the parsons of Wigan for ever by a charter of Edward III., and were exercised by them for a long time.

In compiling these records I have endeavoured to search out the individual history of these parson-lords from as early a period as I could meet with them. The succession is nearly complete from the time of Richard I. to the present day ; and I trust the result of my researches may not be altogether devoid of interest, at all events to the local antiquary.

During this period of many centuries the benefice has been held by several men of mark, who have played no unimportant part in the occurrences of their times. Their characters, accomplishments and lines of thought have been as varied as the events of the days in which they lived. Among these, the most conspicuous, perhaps, were, (1) parson Maunsell, the military churchman of the time of Henry III., who personally engaged in the King's wars in France, and in one engagement with his own hands took prisoner a person of some distinction ; who acted for many years as the King's chief councillor, at one time presided over his finances as the first English Chancellor of the Exchequer, and afterwards became Keeper of the Great Seal ; and who was a person of considerable importance to Wigan, inasmuch as it

was through him that the town acquired its first charter of freedom :—(2) John de Winwick, who stood high in the favour of Edward III., from whom he received a confirmatory charter extending the privileges formerly granted to Maunsell with respect to the town of Wigan, and who likewise appears to have held the great seal as keeper at the time of his death :—(3) the learned and accomplished Thomas Linacre, M.D., in the reigns of Henry VII. and Henry VIII., who may almost be said to have introduced into the English Universities the study of Latin and Greek, who was largely instrumental in creating in them a taste for polite literature, and who is said to have rescued the art of medicine from the low position to which it had then fallen :—and (4) John Pearson, bishop of Chester in the reign of Charles II., the eminent divine whose great work on the Creed is the principal text-book of all our theological students even to this day.

The lives of such men cast an historical interest over the church of Wigan with which they were connected, though its spiritual interests were probably better cared for by rectors of less celebrity.

In early times the whole township of Wigan belonged entirely to the parson, and probably a large part of it was forest. In the course of time, however, the lands were gradually let to tenants in fee, who reclaimed them, and paid what was then a fair proportion of rent to the lord of the soil, to whom also they owed suit and service. But these perpetual fee farm rents, being fixed sums, became

at length comparatively worthless, as the value of money decreased, and they have long since been given up. Each burgess was also bound to pay for his burgage and garden a rent of one shilling. The rest of the land was held in demesne, or by tenants at will; and even so late as Queen Elizabeth's time the fee farm rents and those received from the tenants at will formed a considerable portion of the parson's income.

As the feudal system declined—having done its work in making Englishmen the best soldiers in the world—and as the wealth and power of the burgesses and people increased, the rights and perquisites of the lords of the manor became gradually less and less, until the last fragment of secular authority was done away with by the late rector, who, with the patron's consent, made over to the Mayor and Corporation the tolls of the markets and fairs shortly before his resignation of the benefice.

In studying the materials for the compilation of these parochial annals, I find that the ancient manorial rights and privileges of the rectors have ever been a fruitful source of litigation between them and their people, inasmuch that the inhabitants of Wigan from time to time seem to have inherited a traditionary feeling that it was their duty as citizens to resist and curtail these rights to the best of their power, in which indeed they generally succeeded, as will be shewn in the following pages.

From the general kindness and courtesy which I have received, as rector, from all classes of the community, I

have every reason to hope that this old feeling of conflicting interests has entirely passed away, and been replaced by a better one. That this good feeling between parson and people may be perpetuated to all future generations, so that the good seed of God's word may be freely sown among them and bring forth abundant fruit unto life eternal, is the earnest wish and prayer of the writer,

GEORGE T. O. BRIDGEMAN,

Rector of Wigan.

WIGAN HALL,

CHRISTMAS, 1887.



## History of the Church and Manor of Wigan.

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**A**MONGST the ancient ecclesiastical establishments of the county of Lancaster, that of Wigan holds a prominent position. There was a church here in Saxon times, as we learn from the survey of William the Conqueror.

Lancashire, as a county, is not to be found in the Domesday Record, but the southern portion of it is surveyed under the title of "the land between the Ribble and the Mersey." This territory contained the hundreds of Derbei, Neutone, Walintune, Blachburne, Salford, and Lailand; of which the three former are now included in the hundred of West Derby.

In the description of the great manor, or lordship, of Newton, given in Domesday, it is stated that in King Edward's time "the church of this manor had one carucate of land, and St. Oswald of this vill two carucates, exempt from all dues."

"The church of this manor" was unquestionably the parish church of *Wigan*, while that of St. Oswald will have been that of Winwick.<sup>2</sup> A carucate, or plough land, signifies as much arable land as could be tilled throughout the year by one team of oxen. It is difficult to estimate the acreage of a carucate in any particular locality. In some instances it is estimated to be as low as 60 acres, in others as high as 180 acres.<sup>1</sup> The

<sup>1</sup> The ancient parish of Wigan includes the townships of Wigan, Pemberton, Upholland, Dalton, Winstanley, Billinge Higher, Billinge Lower, Hindley, Abram, Ince, Orrell, Haigh and Aspull, of which the last mentioned is in the hundred of Salford, and the remainder are in that of West Derby. From this I infer that the boundaries of the parish were of prior date to the disposition of the lands by William the Conqueror, for after the Conquest the manor and lands of Aspull were held of the barony of Manchester (see Baines' *Lanc.* vol. iii. p. 552).

<sup>2</sup> Kennett's *Glossary to Parochial Antiquities*.

## 2     *History of the Church and Manor of Wigan.*

difference, probably, rather lay in the nature of the soil than in any various system of superficial measurement. The carucate held by the church of Wigan may, perhaps, have contained about 100 or 120 acres ; that is to say, this was all the land then under cultivation in the manor of Wigan, which is co-extensive with the present parliamentary borough.

From a very early period, probably before the Conquest, the Parsons of Wigan held the manor of Wigan as an appanage to their church. It was subsequently held by them under the Lords of Newton or Barons of Makerfield, as they were indiscriminately called, who presented to the church as patrons, and to whom the Parsons owed suit. But except as patrons of the church the interest of these mesne lords was little more than nominal,<sup>1</sup> and the Parsons were the real lords of the manor, though in some of the inquisitions *post mortem* Wigan is mentioned among the manors of the Lords of Newton.

The first Norman Lord of Newton was Robert Banastre, who came over to England with William the Conqueror, and had the barony of Makerfield assigned to him by Roger de Poitou, to whom the King had given the land between the Ribble and the Mersey. His heirs, the Langtons, continued to hold the advowson of the church with but slight interruption till the early part of the seventeenth century, when it passed, on the death of Sir Thomas, son of Leonard, son of Sir Thomas Langton, Knight, without issue, in 1604, with the other Langton estates, under a special settlement, to his cousin Richard Fleetwood of Calwich, in the county of Stafford, Esq., who was created a Baronet by James I. in 1611. It was subsequently sold by his son, Sir Thomas Fleetwood of Calwich, Baronet, soon after the restoration of Charles II., to Sir Orlando Bridgeman, Knight and Baronet, Lord Keeper of the Great Seal, with whose descendant and representative, Orlando G. C. Bridgeman, Earl of Bradford, it still remains.

<sup>1</sup> Mesne Tenures were created sometimes by sub-infeudation, sometimes by insertion of the middle-man (as was probably the case at Wigan). They were extinguished at length by change of law and custom and the seignery becoming obsolete.

The first indubitable Parson, or Rector, of Wigan<sup>1</sup> that I meet with is

RANULF, Treasurer of Salisbury, who, as a non-resident, appears to have nominated a vicar or perpetual curate to serve the church in his place. On 12th June, 1199 (1 John), a grant was made to Adam, clerk, de Frekelton, of the *perpetual vicarage* of the church of Wigan, at the request of Ranulf, Treasurer of Salisbury, Parson of Wigan.<sup>2</sup> Ranulf resigned the benefice in the 6th year of John (1205), when the right of patronage, for that turn, fell to the Crown, because the land of Makerfield was in the King's hands by reason of the death of Guarin Banastre; and on the 23rd April, 1205, the King presented his beloved clerk,

ROBERT DE DUNOLM<sup>3</sup> (Durham), to the church of Wigan, vacant by the resignation of Ranulph, Treasurer of Salisbury, saving to Adam, the clerk, Vicar of the said church, his "*Vicaria*."<sup>4</sup>

<sup>1</sup> In a plea of 31 Edw. I. (which will be quoted in its place) a claim was made to the patronage by the Lord of Standish, who asserted that in the time of King Richard, one *Ulf* had been presented, and instituted, to the *chapel* of Wigan by a certain Ralph de Standish, and received the great tithes, &c., but the assertion was not proved, and his claim to the advowson was rejected.

<sup>2</sup> Charters of the Duchy of Lancaster (Appendix to 21st Report of Deputy Keeper of Records, p. 5). I have no means of ascertaining when Ranulf was presented to the church of Wigan, but Canon Jones, *Fasti Sarum*, 343, gives 1192 as the date of his appointment to the Treasurership of Salisbury, and 1210 as the date of his successor's appointment.

<sup>3</sup> *Rot. Chart.* and *Rot. Pat.* 6 John, m. 2. Robert de Dunolm was one of the King's Clerks or Chaplains in 1201, in which year, on 28th December, the King's Treasurer had orders to pay out of the King's Treasury the sum of 25s. to Robert de Dunolm and Roger de Suhamton, the King's Clerks, because they had sung [mass] before him at Argenton on Christmas Day (*Rot. de Liberate* 3 Joh. m. 2). On 6th May, 1208, the same King conceded to Robert de Dunolm, his clerk, the church of Wistow with the chapels of Ravel and Uppewüd (Raveley and Upwood in the county of Hunts), the presentation to which belonged to the King by reason of the Abbey of Rames [Ramsey] being then vacant and in the King's hands (*Rot. Chart.* 9 Joh. m. 1). In 1211 the same Robert had 40s. allowed him for going into Poitou in the King's service (*Rot. de Prestito* 12 Joh. m. 1).

<sup>4</sup> This is the only instance I meet with of a Vicar of the church of Wigan having a



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How long Robert de Dunolm held the benefice I know not, but the next parson I meet with is the famous

JOHN MAUNSELL or Mansel, to whom the town of Wigan is indebted for its first charter of freedom. This remarkable man was distinguished rather as a soldier, diplomatist, financier, and statesman than as an ecclesiastic; and but little of his time could have been passed at Wigan. He is said to have been the descendant of Philip Maunsell, who accompanied the Conqueror to England, and he was probably one of that family, but in certain pleadings in *quo waranto*, taken in 1279, some years after his death, with respect to lands which he had held at Wappeham in Sussex, it was contended that he was an illegitimate son.<sup>1</sup> It is probable that he was the son of a priest, for his sister Clarissa, the wife of Sir Geoffrey de Childerwick, is described by a contemporary chronicler as the daughter of a country priest, and this would account for the imputation of illegitimacy, though the question of the legitimacy of the sons of the clergy in England, and their right to inherit property, had not then been fully determined.

From an inquisition taken after his death concerning certain houses in London,<sup>2</sup> which were claimed by his cousin Amabilia de Rypun, the jury seem to have considered the point a doubtful one, but in the case of the estate at Wappeham the question which arose was not so much as to his legitimacy as to whether he had died seized of it or given it away before his death to the Prior and Convent of Tortinton. It was contended on the part of the Crown that John Maunsell had died seized of it, and that he was a bastard, wherefore the land should revert to the Crown because he had no legitimate heir. The jury gave no decision as to his bastardy, but found a verdict in favour of the Prior and Convent on the ground that the gift had been made to

vested right to his *Vicaria* under the Parson or Rector, but there can be no doubt that the benefice was often afterwards held by a non-resident Rector, who may very likely have appointed a Vicar to act for him.

<sup>1</sup> *Placita de quo waranto*, p. 749.

<sup>2</sup> *Calendarium Genealogicum* vol. i. p. 118.

them by Maunsell during his lifetime, so that he was not seized of it at the time of his death.

He seems to have been brought up under the auspices of King Henry III., who made him one of his chaplains and loaded him with preferment. In fact he seems to have accepted everything that came in his way or that fell to the King's disposal at that time. He is said to have held no less than three hundred benefices, producing an income of 4,000 marks yearly (*i.e.*, £2,666 13s. 4d.)—an enormous sum in those days—and some have placed it at a much higher figure, so that he has been handed down to posterity as the greatest pluralist that ever lived, and "the richest clerk in the world."

In 1234 he was appointed Chancellor of the Exchequer, being the first to hold that office, then newly created. The appointment was by close writ, in this manner: the King, by his writ directed to Hugh de Pateshull, treasurer, sent John Maunsell to reside at the Exchequer of Receipts, and to have a counter-roll of all things pertaining to the said Receipt, and commanded the treasurer to admit him accordingly.<sup>1</sup>

In 1238 when the King sent a body of troops, under the command of Henry de Trumbleville, to assist the Emperor Frederick against his rebellious subjects in the Italian provinces, John Maunsell and William Hardel, citizen of London, accompanied the troops with a sum of money to pay the mercenaries. This was immediately after Easter, which fell on 4th April in that year. The English fought bravely for the Emperor during the whole of the following summer, and recovered some of the cities which had been held out against him. In these days it was not thought unseemly for an ecclesiastic to bear arms in the King's wars; and on this occasion John Maunsell is specially mentioned amongst those who distinguished themselves for their valour.

In the year 1241 a serious disagreement arose between the

<sup>1</sup> *Rot. Claus.* 18 Hen. III. m. 16. *Madox' History of the Exchequer*, vol. ii. p. 51.

King and the bishop of Lincoln with respect to the preferment of Maunsell, and the zeal with which the King took the part of his chaplain shews how highly he had already risen in his favour. The cause of the quarrel was this : the prebend of Thame (Tame in the county of Oxon.) being vacant, was given by the bishop of Lincoln to Master Simon of London, penitentiary to the bishop of Durham ; but through the King's interposition a decree was obtained from the Pope by which John Maunsell obtained possession of it. The bishop was highly indignant with the King for his interference on behalf of his chaplain, and Henry being then in Wales prosecuting his wars with the Welsh, the archdeacons of Huntingdon and Leicester were sent by the bishop to reproach him for his conduct and admonish him to make amends for what he had done. This was refused by the King on the ground that an appeal had now been lodged with the Pope.

One of the archbishops who was present at the interview urged that the bishop had a special privilege granted to him by the Pope which exempted him from providing for any one at the command of the Apostolic See, unless special mention was made therein of that privilege ; and since no such mention had been made in the papal order, the bishop was not bound to pay any heed to it. The archbishop, however, deprecated any further dispute in the matter, saying that, as Maunsell was a man of wisdom and learning, the bishop would be readily moved, at the request of the King and Maunsell, to provide him with as good or better preferment, which would be creditable to all parties ; the bishop begs with all humility that no other settlement may be made ; but he is prepared to pronounce the anathema against all those who shall injure, or encroach upon, the dignity of his church. When Maunsell, who was then in attendance upon the King, heard this message delivered before him and his council, he begged the King not to let him be the cause of any further dispute between them, saying that he was willing to give way, knowing that so long as the King lived he should be sufficiently provided for. Henry resolved, however,

to defer the matter to another time, and when he had completed his arrangements for the defence of the borders during his absence, he returned to London. And here the bishop had also repaired with full purpose of pronouncing sentence of excommunication against John Maunsell in particular and against all the disturbers of his church and dignity.

When this was known to Maunsell he came to the King and resigned the benefice, upon which the King allowed the matter to drop. But Maunsell was immediately rewarded by having the richer benefice of Maidstone bestowed upon him by the King; and in the same year he was likewise presented to the well-endowed church of Hoveden. By this step, moreover, the bishop of Lincoln was pacified, and, at the King's request, he preached a sermon in which he commended the humility of all concerned.<sup>1</sup>

We next hear of Parson Maunsell in a military capacity. Having accompanied the King to France, he was with him in his French wars; and in the battle, fought at Xantoigne, in 1242, where many were taken prisoners on both sides, among those captured by the English was one Peter Orige, high steward to the Count de Boulogne, who was personally taken by John Maunsell. On this occasion he is described by Matthew Paris as "a clerk and special councillor of the English King who was reckoned not the least among brave men." Maunsell seems to have remained with the King during the winter months in his inglorious retreat at Bordeaux.

In the following spring some feeble attempts were made by the English to recover lost ground, and the towns of certain rebel Gascons within the territories of Bordeaux were reduced to subjection by those who remained faithful to the English King. At this time there was a certain monastery called Vérines, where the King's rebellious subjects had taken refuge, and had made the church into a castle, or rather a robber's cave; and the learned monk of St. Albans, who gives the fullest history of these events, tells us that "while this fortress was being unsuccessfully besieged

<sup>1</sup> Matthew Paris, *sub anno*.

and attacked by the King's faithful servants, one of the King's clerks and special councillors, named John Maunsell, a man brave in arms and of undaunted spirit, reproached the assailants for their slothfulness and loss of time, and while he was setting an example to the others of attacking the enemy with greater energy, and endeavouring to make a road for the besiegers, one of the besieged, who was located in a higher part of the church, cast a great stone upon him which crushed his leg with the joints and marrow in his bones. But when the same man was preparing to demolish the rest of his body with stones, his friends, who were most sincerely attached to him, covered him with their own bodies, and with large shields called targets, and thus with much difficulty rescued him from the peril of death. Being severely wounded, however, he remained for a long time in a weak and languishing state,<sup>1</sup> and when by the skill of the surgeons he was at length restored, he was promoted to still higher honours."

He seems to have been acting as the King's Treasurer at that time; for by close writ of 7th July, 1242, dated at Xancton' (Xantaigne), John Maunsell is ordered to allow to Sir Peter Alard, Knight, whom the King had retained in his service, his stipend like the rest of the King's Knights.<sup>2</sup> In this year he was presented by the King to a prebend in St. Paul's Cathedral, and was advanced in the following year, 1243, to the Chancellorship of that church,<sup>3</sup> to which a stall in the Cathedral of Wells was added.<sup>4</sup> On 17th August, 1243, he was one of the witnesses to the King's Charter of Dover to his Consort Queen Eleanor, dated at Bourdeaux.<sup>5</sup> The King soon afterwards returned from his unfortunate expedition to Gascony, and landed at Portsmouth about the 27th September; and John Maunsell appears as witness to the King's convention, made at Westminster, with his brother Earl Richard, on the morrow of St. Andrew the Apostle, 28 Hen. III. (31st

<sup>1</sup> Matthew Paris, *sub. anno.*

<sup>2</sup> Foss' *Judges of England*, vol. ii. p. 392.

<sup>4</sup> Hutchins' *Dorsetshire*, vol. ii. p. 534.

<sup>3</sup> Rym. *Fed.* vol. i. p. 247.

<sup>5</sup> Rym. *Fed.* vol. i. p. 253.

November, 1243).<sup>1</sup> It was in the summer of 1244, according to Matthew Paris, that the King appointed Sir Poyntz Piper, Knight—(whom he had made acting steward of the Palace), and John Maunsell, Chancellor of St. Paul's, his principal councillors.

Maunsell had been made Chancellor of St. Paul's during the vacancy of the See of London, by the King's patent dated on 24th May, 1243,<sup>2</sup> and he seems to have retained the office till about the year 1259. In the year 1245, he also obtained a stall at Chichester.<sup>3</sup>

In what year he became Rector of Wigan I do not find; but it was probably about this same time, or at all events some time between the years 1242 and 1245-6, when Robert Banastre, the young lord of Newton, was in his minority, and his lands in the King's custody. By charter dated at Woodstock, on the 26th of August, 30 Hen. III. (1246) the King concedes to his beloved and faithful John Mansell, Parson of the church of Wygain, that his town of Wygain should be a borough for ever, and that the burgesses should have a guild-merchant and other the liberties and customs thereto belonging.<sup>4</sup> The Rector's own charter of freedom to the burgesses, which was probably granted in the same or following year, runs thus: "To all sons of our Holy Mother church to whom this present writing shall come, John Maunsell, Rector of the church of Wigan, greeting in the Lord. Be it known to all men that I have given and conceded, and by this my present charter have confirmed, for myself and my successors, to the burgesses of Wigan, and their heirs or assigns, that they should have their free town, and all rights, customs, and liberties, as is contained in the charter of liberty and acquittance of the Lord King; and that each of them should have to their burgage five roods of land to themselves and

<sup>1</sup> Rym. *Fœd.* vol. i. p. 254.

<sup>2</sup> Pat. 27 Hen. III. m. 10.

<sup>3</sup> Hutchins' *Dorsetshire*, vol. ii. p. 534.

<sup>4</sup> The original charter to John Maunsell is not extant, but it will be given more fully when speaking of the charter of *inspeximus* granted to Adam de Walton, one of his successors.

their heirs and assigns ; and that they should grind at my mill to the extent of twenty measures without payment ; and that they should have in my wood sufficient for building and burning, together with quittance of pannage<sup>1</sup> for the nourishment of their own pigs within my wood, to have and to hold of me and my successors, to themselves and their heirs or assigns, freely, and quietly, and honourably, with common of pasture and with all other easements<sup>2</sup> belonging to the said town of Wigan, within and without the town ; and that they should have their pleas in porte-mote<sup>3</sup> once in three weeks, and their verdict of twelve men, and amercements by the same ; paying therefor annually to me, or my successors, by themselves and their heirs, or assigns, upon each burgage twelve pence, at the four terms, viz. at the feast of St. John the Baptist threepence, at the feast of St. Michael the Archangel threepence, at the Nativity of our Lord threepence, and at Easter threepence, for all secular services, exactions and demands. And I the aforesaid John Maunsell, Rector of the church of Wigan, and my successors, will warrant all the above written to the said burgesses of the town of Wigan, and their heirs or assigns, against all men and women for ever. And that this donation and concession should remain firm and stable, I have set my seal to this writing, to which are witnesses, Thomas Gretlee, William le Butler, Mathew de Redman, at that time Sheriff of Lancaster, Robert Banastre, Robert de Lathome, William de Clifton, John de Lamar, John de Lee, Henry de Torboke, Adam de Molenex, Warren de Walton, Henry de Sefton, at that time Bailiff, and others."

This charter was confirmed by Robert Banastre, Lord of Makersfild, and true patron of the aforesaid church, in the

<sup>1</sup> Pannage was the right of feeding swine free of charge.

<sup>2</sup> Easements ; pasturage in, or firewood to be taken from, the lord's woods, or other accommodation allowed to tenants, chiefly in respect of roads, water-courses, timber, fuel, stone quarries, or marl-pits.

<sup>3</sup> Porte-mote ; a local court having jurisdiction in matters of trade ; hence, probably, the origin of the old Moot-hall lately pulled down in Wigan.

presence of Thurstan de Holland, Robert de Hulton, Hugh le Norres, Alan le Norres, William de Songky, William de Pemberton, Nicholas de Wegan, and others; as also by Roger, Lord Bishop of Coventry and Lichfield, the ordinary.<sup>1</sup>

When Silvester de Everdon was elected Bishop of Carlisle, and resigned the great seal in November, 1246, it was delivered to John Maunsell, but whether with the title of Chancellor does not appear, as no record exists of his appointment. A reference, however, is made to it on the patent roll of 31 Hen. III., dated 29th August, 1247, in which it is stated merely that he *had the custody*

<sup>1</sup> *Rot. Claus.* 27 Eliz. pars. 2<sup>a</sup> (taken from a certified copy of June 16, 1748, in possession of the Earl of Bradford, the present patron of the church of Wigan), being a confirmatory charter of *inspeximus* by Thomas Stanley, Bishop of Man, and Rector of the parish church of Wegan, dated at Wegan on 10th Oct. 3 Eliz. A.D. 1561, who signs himself *Thomas Sodarens et Insularum Episcopus*, in the presence of William Gerarde, Esq., Edmund Winstanley, gent., William Banke, Thomas Beeke, Hugh Topping, Thomas Gerrarde, William Hyde, Richard Brereworth, Thomas Ince, and many others. To this charter is appended the following footnote: "*Memorandum quod sexto die Maii anno regni dictæ dominæ Elizabethæ Reginae vicesimo septimo Carolus Banke nunc Major predictæ ville de Wegan et burgenses ejusdem villa venerunt in Cancellaria dictæ dominæ Reginae et protulerunt tunc et ibidem scriptum prædictum et petierunt ut idem in Rotulis Cancellaria nostræ prædictæ irrotulari possit ad quorum quidem Majoris et burgensium instantias et requisitiones scriptum prædictum secundum formam et effectum ejusdem de verbo in verbum prout præscriptum est irrotulatum die et anno prædictis.*" Mathew de Redman or Rademan, one of the witnesses to the original charter, wherein he is styled Sheriff of Lancashire, was Sheriff from 1246 to the commencement of 1249. Of the others, Thomas Gretlee or Gresle, Baron of Manchester, died in 46 Hen. III. (1261-2). William le Butler, Lord of Warrington, succeeded his father Almaric as a minor in 1235, and died in 1303. Robert de Lathome (son of Richard), occurs as Lord of Lathome in 1248. William de Clifton was Lord of Clifton in 42 Hen. III. (1257-8.) Henry de Torbock, Lord of that vill, had a charter of free warren at Torbock, &c., 41 Hen. III. Adam de Molinex was Lord of Sefton in 12 Hen. III., and probably deceased in 40 Hen. III. (1255-6), when William, his son and heir, was called to receive the degree of Knighthood. Roger de Weseham was consecrated Bishop of Lichfield in 1245-6 (30 Hen. III.) at Lyons, by the Pope, much to the King's displeasure, who at first withheld from him the temporalities of the See, which were, however, restored to him 25th March, 1246. He resigned his bishoprick after ten years of constant sickness on 4th Dec., 1256.



of the seal from the 8th of the preceding November to Friday, on the morrow of the decollation of John the Baptist (being the day before the date of the record), on which day the King sent him on an embassy to foreign parts.<sup>1</sup> Another entry occurs in the following year, showing that he had returned from his mission, and that he had received back the *custody of the seal* on Monday after the feast of St. Lawrence (August, 1248); and by the patent roll of 33 Hen. III. it appears that he held it till the feast of the nativity of St. Mary in that year, being 8th September, 1249.<sup>2</sup> In none of these entries is he called Chancellor; and as they were evidently made by his direction it is not likely that the title would have been omitted if it had belonged to him.<sup>3</sup>

In the letters patent by which this latter appointment is certified, he is styled Provost of Beverlac (Beverley), a post conferred upon him by the Archbishop of York, about the year 1247. In that year (1247) he was sent with the Abbot of Westminster to Germany to arrange preliminaries with the Duke of Brabant for contracting a marriage between Prince Edward, afterwards King Edward I., and the daughter of the said Duke, but the embassy proved a failure, and the ambassadors "returned in sorrow, with empty saddle-bags, and each of them grieved that he had wasted his trouble and expences to no purpose."<sup>4</sup> At the close of that year, viz., on 13th December, 1247, Maunsell was elected Dean of Wimborne.<sup>5</sup>

In 1249, when he was about to accompany the King and Queen to the enthronization of Boniface de Savoy, the uncle of Queen Eleanor, he was seized with a sudden sickness. Boniface had been elected Archbishop of Canterbury in 1240, and consecrated in 1245; but his enthronement did not take place until

<sup>1</sup> Foss's *Judges*, vol. ii. pp. 392-3; from *Rot. Pat.* 31 Hen. III. m. 2; see also Madox' *History of the Exchequer*, vol. i. p. 68.

<sup>2</sup> *Rot. Pat.* 32 Hen. III. m. 5 and 33 Hen. IV. m. 3.

<sup>3</sup> Foss's *Judges*.

<sup>4</sup> Matthew Paris, *sub. anno*.

<sup>5</sup> Hutchins' *Dorsetshire*, vol. i. p. 534.

the Feast of All Saints, 1st November, 1249, when it was performed in the presence of the King and Queen, and almost all the English prelates, who had been convoked for this solemnity. Matthew Paris informs us that "as the King was hastening thither with his attendants, John Maunsell, his special councillor, was taken seriously ill at Maidstone, being, as was stated, infected by poison, from the effects of which he suffered for two days, and was with difficulty snatched from the gates of death by the diligent care of the physicians." A few months later, namely, on the Feast of St. Perpetua and St. Felicitas (7th March, 1250), he received the Cross, together with the King and many of the nobles, at the hands of Boniface, Archbishop of Canterbury. But Henry probably had no real intention of proceeding to the Holy Land, and Maunsell also remained at home in attendance on the King.<sup>1</sup>

When the King heard of the death of William de Raleigh, Bishop of Winchester (which took place at Touraine on 1st September, 1250), he despatched John Maunsell and Peter Chacepork, "two of his chief clerks, whom he knew to be very clever in all kinds of arguments," to Winchester, charging them to use their best endeavours to induce the Chapter to elect his uterine brother, Aylmer de Lusignan, Bishop in his stead. The envoys were speedily followed by the King himself, who exerted his influence to constrain the Prior and Convent of St. Swithin at Winchester to comply with his demand. Under this pressure Aylmer was accordingly elected, though he was totally unfitted for the office both by his age and order; nor was he consecrated until nearly ten years afterwards.

Matthew Paris rightly blames Maunsell for undertaking this commission, but he would probably have found it very difficult

<sup>1</sup> It was not necessary for those who took the Cross to proceed in person to the Holy Land. The *cruce-signati*, or those who had vowed the crusade, were permitted to compound the obligation by money payments, which were collected under papal authority, and allotted to those who proposed to fulfil their vows in person.

to evade it ; and his strictures were in some measure prompted, no doubt, by the fact that Maunsell had lately offended the monks of St. Albans, of whom the learned historian was one, by supporting the claims of his own brother-in-law, Sir Geoffrey de Childerwick, against the Abbot and his Convent, in a controversy concerning certain rights of warren in the land of St. Albans. The said Sir Geoffrey, who held under of the church of St. Albans, had married Clarissa, the daughter of a country priest and sister of John Maunsell.

One of the best traits in Maunsell's character was his fidelity to his friends. To the King he was ever consistently faithful ; and we have an example of his courage in supporting his friends in trouble in the case of Henry de Bath and Philip Lovel, the King's Justices, who had fallen under the royal displeasure about this time, and who were indebted to Maunsell for the saving of their lives. One of them, Henry de Bath, appeared before a grand parliament held at London on 17th February, 1251, where he was fiercely attacked by his enemies. The King, we are told, was in the highest degree enraged against him, and rose up saying, "Any one who shall slay Henry de Bath shall be quit of his death, and I declare him quit of the same," after which he hurriedly departed from the assembly. De Bath's accusers were ready to fall upon him, but they were restrained by Maunsell, who thus addressed them : "My lords and friends, We ought not to act upon that which is said over hastily and in hot anger. When the moment of resentment is past, perhaps the King will be sorry that he has given utterance to such angry words. Moreover, if you do any harm to this Henry, here are the Bishop of London and his other friends, these Knights, of whom the former will take spiritual, and the latter temporal vengeance"<sup>1</sup> ; and so his life was spared.

In this year, 1251, Maunsell was sent into Scotland to treat

<sup>1</sup> Matthew Paris.

for peace with the King of Scots, and by his mediation a marriage was arranged to take place between Princess Margaret, the King's daughter, and Alexander III., King of Scots,<sup>1</sup> which was celebrated at York on 26th December of that year.

In the following year, 1252, we find him again acting as a peacemaker. There had been a feud of several years standing between the Abbot of Westminster and the monks of his Convent. This dispute was at length referred to the arbitration of Richard, Earl of Cornwall, afterwards King of Germany, and John Maunsell, by whom matters were amicably arranged. In this year he himself had a controversy with the Abbot and Convent of Tewkesbury concerning the tithes of their manor of Kingston, which Maunsell claimed as belonging to his church of Ferring. By the award of the Bishop of Chichester a compromise was made, under which the tithes, both great and small, of Kingston were given up to the monks of Tewkesbury, subject to an annual payment of 100s. to the mother church of Ferring.<sup>2</sup>

On 16th June, 1252, we find him testing a letter for the King, at Windsor.<sup>3</sup>

In 1253, John Maunsell, Chancellor of London and Provost of Beverley, was sent with W[illiam de Bitton], Bishop of Bath and Wells, into Spain on a special embassy, with letters patent of 15th of May, directed to Alphonso, the young King of Castile and Leon (who had succeeded to his dominions in the previous year), to treat of a matrimonial alliance between the two Kings; and Maunsell, whom the King calls his secretary, is entrusted with special power to make oath, on the King's behalf, that he will adhere to any engagement that it may be considered necessary to make for promoting the said business.<sup>4</sup> The charter which they brought back, with its golden seal, is still preserved among the archives at Westminster.<sup>5</sup> A few days

<sup>1</sup> *Chronicon Thomæ Wykes.*

<sup>2</sup> *Annales de Theokesberia.*

<sup>3</sup> Royal Letters, *temp.* Hen. III. p. 90.

<sup>4</sup> Rymer's *Fadera*, vol. i. p. 290.

<sup>5</sup> Foss's *Judges*, vol. ii. p. 394.

later, by patent of the 24th May, the same envoys were commissioned to treat for a marriage between the eldest son of the King of Aragon and Beatrice the King's daughter.<sup>1</sup> It is probable that this latter commission was only to be acted upon in the event of their failing to come to an agreement with the King of Castile. It appears that they could not come to terms with him on this occasion, but on the 8th of February, 1253-4, Maunsell was again despatched to Spain, with Peter (de Egeblanke), Bishop of Hereford, as his colleague, to treat for peace with the said Alphonso, King of Castile and Leon,<sup>2</sup> and by these two envoys a treaty was signed on the Kalends of April, 1254, wherein the preliminaries of a marriage were arranged between Prince Edward and Eleanor of Castile, the King's sister.<sup>3</sup> Maunsell afterwards accompanied Prince Edward into Spain, and was present at his marriage, which took place at Burgos,<sup>4</sup> towards the end of October.

In the autumn of the following year, 1255, Maunsell was sent to Edinburgh, with Richard, Earl of Clare, to inquire into the treatment of Princess Margaret.<sup>5</sup>

In January, 1256, he was made Treasurer of York, an office which he retained till his death.

<sup>1</sup> Rymer's *Fœdera*, vol. i. p. 290.

<sup>2</sup> Rymer's *Fœdera*, vol. i. p. 295.

<sup>3</sup> At this period Maunsell occurs frequently as witness to the principal Charters of King Hen. III. Amongst others, he was witness to the Charter of 14th February, 1254, by which the King gave to Prince Edward the whole land of Ireland (except the towns and counties of Dublin and Limerick and the town of "Dalon," which the King retained in his own hands, 50 librates of waste land which he had assigned to his half-brother Geoffrey de Lusignan, and 40 librates of waste land which he had promised to Robert Walerand), the county of Chester, with its castles, towns, &c., his conquests in Wales, viz.: Rotheland (Rhuddlan) Dissard (or Disserth) and Gannoc, with all the other lands of Pernechelac, the town and castle of Bristol, the castles of Montgomery, Carmarthen and Cardigan, with their appurtenances, the castle of Buelt (Builth), Peake Castle (in Derbyshire), Stamford, and Grantham, with the honor, Jersey, Guernsey, and the other isles of the sea, and the manor of "*Frigido Mansello*."—Rym. *Fœd.*, vol. i. p. 297.

<sup>4</sup> *Annales de Burton*.

<sup>5</sup> *Annales de Dunstaplia*; Rym. *Fœd.*, vol. i. p. 925.

In the same month, by patent dated at Windsor 24th January, he and Bertram de Crioyl were sent into France to make arrangements with the King of France for a prolongation of the truce, from the Feast of St. Remigins (13th January), when the late truce made with Louis by Simon de Montfort, Earl of Leicester, and Peter de Savoy, on the part of Henry, would come to an end, for the further space of three years.<sup>1</sup>

After his departure, the King wrote him a long and interesting letter, dated from Oxford on the 30th of January, in which he addresses him as Provost of Beverley, and informs him that he had sent messengers to his brother Richard, Earl of Cornwall, to ask his advice concerning the embassy to Castile, who advises liberal promises on behalf of the Gascon barons. As to the marriage of the King's daughter he advises that the King of Castile should be asked what provision he will make for his brother. As to the African affair he advises that Henry should express his willingness to go there for a crusade instead of to the Holy Land, under certain conditions. In this matter the King gives full discretion to Maunsell, inasmuch as he is better acquainted with the business, and has bestowed more labour upon it than any man living.<sup>2</sup>

In June of that year he went into Germany with the Earl of Gloucester, having full powers to treat with the electors on behalf of Richard, Earl of Cornwall, concerning his election as King of the Romans.<sup>3</sup>

On the 13th September of the same year, the barons, knights, and others, of the counties of York, Lancaster, Northumberland, Cumberland, and Westmorland, were commanded to place themselves under the orders of John Maunsell in the event of Alexander, King of Scotland, needing any assistance against his rebellious subjects; and Maunsell is ordered to go to the parts of Scotland to treat, on Henry's behalf, between

<sup>1</sup> Rymer's *Fœdera*, vol. i. p. 335.

<sup>2</sup> Royal Letters, *temp.* Hen. III. p. 111.

<sup>3</sup> *Chronicon Thomæ Wykes.*

him and the Scottish King, on the one side, and the rebels of the Scottish King on the other.<sup>1</sup>

It was in this year that he gave his princely entertainment in London. Among his many and various preferments he held the prebend of Totenhall (now Tottenham or Tottenham Court), in the Diocese of London, and here, at his house in Tothill Field, he entertained the Kings and Queens of England and Scotland, Prince Edward, and most of the prelates and nobles of the kingdom. His guests were so numerous on this occasion that he was obliged to erect tents for their accommodation, and Stowe says that seven hundred dishes were scarcely sufficient for the first course.

Fabyan gives an account of certain complaints against the mayor and aldermen of London, being heard in January, 1257, 41 Hen. III., before John Maunsell and Henry Baa, meaning Henry de Bathonia, justices, Sir Henry Wengham, the Chancellor and others of the King's Council. And he goes on to say that soon after John Maunsell was "made knyte and chefe justyce of England;" and that under that name, in the June following, he was one of the twelve peers appointed by the parliament of Oxford to correct the enormities that had crept into the government. He adds that he was thereupon discharged of his office, and Sir Hugh Bygot admitted in his place.<sup>2</sup> Foss, however, doubts the fact of his ever having been appointed chief justice, and says that the title is never added to his signature, or his description at this period, which he holds to be conclusive.<sup>3</sup>

It was in the year 1257 that Maunsell obtained from the King a charter for himself and his successors, the Parsons of Wigan, for ever, to hold a weekly market at their town of Wigan, and two fairs annually, of six days' duration.<sup>4</sup>

On the 20th of June in that year, his name occurs with those

<sup>1</sup> Rymer's *Fœdera*, vol. I. p. 347.

<sup>2</sup> Fabyan's *Chron.* ed. of 1811, pp. 340-343.

<sup>3</sup> Foss's *Judges*, vol. ii. pp. 153, 394-5.

<sup>4</sup> *Placita de quo waranto* (temp. Edw. I.), p. 372.

of the Archbishop of Tarentum, Simon, Earl of Leicester, and Peter de Savoy, as one of the special envoys named by Edmund, King of Sicily, with the authorization of his father, Henry, King of England, to approach Pope Alexander IV., and beg him to amend the conditions under which the Kingdom of Sicily had been conceded to him.<sup>1</sup> But he could not have gone into Italy at that time, because on the 20th July he was sent into Scotland with the Archbishop of York, the Bishop of Durham, Roger de Quincy, Earl of Winchester, the prior of Durham, and two others, for the purpose of settling the dispute between the Scottish King and certain of his nobles.<sup>2</sup>

In pursuance of the same business, by letters patent, dated at Westminster on the 4th of August in the following year, 1258, Henry gave full power to Simon, Earl of Leicester, and John Maunsell, Treasurer of York, to determine the said matter.<sup>3</sup>

In the meantime, when Simon de Montfort, Peter de Savoy, and others had been appointed, by patent of 4th May, 1258, to treat of peace with the King of France, Walter de Merton is ordered to remain, during the King's retirement, at London, with *domino* John Maunsell, Hugh le Bigod, and *magistro* Rostando, to affix the King's Seal to whatever they might arrange concerning peace with the King of France, and concerning the Sicilian business.<sup>4</sup>

Being a member of the King's council, sworn at Oxford on the 22nd of June, he was one of the two chosen by the barons to elect the council of twelve who should treat with the King's council on behalf of the commons at the three parliaments appointed to be held in each year.<sup>5</sup> And the King, by letter of the 26th of June, dated from Oxford, after reciting that he had sworn to his nobles and magnates that a reformation of the realm should be made by twelve of his council chosen for the purpose, of whom Maunsell was one, and twelve chosen on

<sup>1</sup> Rymer's *Fœdera*, vol. i. p. 359.

<sup>2</sup> *Ibid*, p. 376.

<sup>4</sup> *Ibid*, p. 371.

<sup>3</sup> Rymer's *Fœdera*, vol. i. p. 362.

<sup>5</sup> *Annales de Burton*.



the part of the nobles, orders him to proceed with his colleagues in this business.<sup>1</sup>

In the same year he had a charter for making a sheep-fold, or enclosure for sheep, namely, the *bercaria* of Sneydall, in the forest of Pickeringe,<sup>2</sup> in Yorkshire; and also a licence to crenellate or embattle his mansion at Sedgewyck, in the county of Sussex.<sup>3</sup>

At the close of that year or early in 1259, he was sent over to St. Omer with the Bishop of Worcester and others to meet Richard, Earl of Cornwall, the King's brother and titular King of the Romans, to require from him an oath that he would observe the Provisions of Oxford before he landed in England, lest he should bring back with him his half-brothers and other foreigners who had been exiled by the said Provisions.<sup>4</sup>

On the 10th March, 1259, he was one of those sent to the King of France as an arbitrator on Henry's side, concerning the amount of money which ought to be paid to the English King for the maintenance of 500 knights for two years.<sup>5</sup>

On the 10th of May, 1259, Richard de Clare and John Maunsell were sent to arrange for a marriage between John, eldest son of John, Duke of Brittany, and Beatrice, the King's daughter.<sup>6</sup> In the same month, as one of the great council of 24 who practically ruled the country at that time, he attached his signature to the deed of confirmation of peace between the English and the French, by which Henry resigned to the French King the Duchy of Normandy and other French provinces, which had

<sup>1</sup> Royal Letters, *temp.* Hen. III. p. 127. At the great council which met at Oxford on the 11th of June, 1258, were passed the enactments known as the Provisions of Oxford. The chief objects sought to be obtained by the barons by these Provisions were, first, the exclusion of aliens from the command of the royal castles or of the fortified ports; and secondly, a control over the administration of justice and, what was then a branch of that administration, the assessment and collection of the revenue, by the appointment of the Chief Justiciar in Parliament, and by the substitution of officers chosen by the several counties for the Sheriffs named by the Crown.

<sup>2</sup> *Cal. Rot. Pat.* 43 Hen. III. m. 1. No. 1.

<sup>3</sup> *Ibid.* m. 15. No. 42.

<sup>4</sup> *Chronicon Thomæ Wykes*; Blaauw's *Barons' War*, p. 84.

<sup>5</sup> Royal Letters, *temp.* Hen. III. p. 138.

<sup>6</sup> Rymer's *Fœdera*, vol. i. p. 382.

long been lost, but had never been formally disclaimed. To this deed, which bears date the 20th of May, 1259, there are 16 seals appended. That of John Maunsell bears, on one side, an antique head with an inscription from a Roman Imperial coin, on the other, half of an armed man on a tower, beneath which is a kneeling figure.<sup>1</sup> Perhaps this may have reference to his narrow escape from destruction at the siege of Vêrines in 1243.

A few days later, on the 20th of May, 1259, the King of England gives plenary power to Margaret, Queen of France, Richard, Earl of Gloucester, Peter de Savoy, and John Maunsell, or any of them who shall be present at the time, to treat for the proposed marriage between John, son of John, Duke of Brittany, and his daughter Beatrice.<sup>2</sup>

By the convention which ensued, the preliminaries of the said marriage were arranged, and the King undertook to restore to the Duke of Brittany the Earldom of Richmond. The letters of the Duke's proctor directed to the King, and the letters of the King's envoys which they wrote to the King and sealed with their own seals, were left in the hands of Sir John Maunsell, in the presence of the King and his council, in the Queen's chapel at Westminster, on Monday next after the Feast of St. Luke the Evangelist (20th October), 1259.<sup>3</sup>

Towards the end of November the King went over to France, and Maunsell probably accompanied him, for we find him attesting his letters at St. Denis on the 18th of January, 1260, and at St. Omer on the 19th of February.<sup>4</sup>

Maunsell's enemies took advantage of his absence to try and poison the mind of the Pope (Alexander IV.) against him by false accusations; and on the 16th of January, 1260, we find Henry writing from St. Denis to the Pope in his defence. In this letter he begs the Pope not to believe the charge they had brought against Maunsell of beating a proctor at York, and

<sup>1</sup> Blaauw's *Barons' War*, p. 86.

<sup>2</sup> Rymer's *Fœdera*, vol. i. p. 386.

<sup>3</sup> *Ibid.*, p. 391.

<sup>4</sup> Royal Letters, pp. 152, 155.

assures him that he is entirely innocent of the charge, having been in attendance on the King himself in London at the time he was accused of having committed the offence.<sup>1</sup>

The King was detained in France longer than he intended, having been overtaken by a severe illness. He returned to England about Easter, 1260;<sup>2</sup> and there is a *memorandum* of the 20th of August in that year, which shews the confidence that was reposed in John Maunsell. The *memorandum* refers to a treaty which had lately been made with the King of Castile by the King's ambassadors at Bourdeaux, and states that certain letters patent, and four close writs of a similar character, which are enrolled on the back of the close roll for that year, had been examined by John Maunsell and accepted by him, and delivered by his precept, after being countersigned, to John de la Lynde to be taken to those parts.<sup>3</sup>

When the King afterwards shut himself up in the Tower of London, and ordered the gates of the city to be closed against all comers, Maunsell was one of the small number of the council who were allowed free ingress and egress to and from his presence.

In the following spring the King obtained a Bull from Pope Alexander IV. shortly before he died, for annulling the Provisions of Oxford, which was dated at the Lateran on 13th April, 1261.<sup>4</sup> The absolution from the oath having been read publicly at Paul's Cross on the 2nd Sunday in Lent, Henry now repudiated his obligation, and acting, as it is said, under the advice of John Maunsell, Robert Walerand and Peter de Savoy,<sup>5</sup> proceeded to abrogate the statutes that he had sanctioned at Oxford.

On the 5th of July, 1261, Maunsell was one of those to whom the differences between the King and the Earl and Countess of Leicester were agreed to be referred.<sup>6</sup>

On the 8th of August the Archbishop of Canterbury writes to

<sup>1</sup> Royal Letters, p. 146.

<sup>3</sup> Rymer's *Fœdera*, vol. i. p. 401.

<sup>5</sup> *Annales de Osenia*.

<sup>2</sup> *Annales Cestriensis*, p. 78.

<sup>4</sup> Blaaui's *Barons' War*, p. 91.

<sup>6</sup> Royal Letters, p. 175.

John Maunsell, sending the Pope's mandate of the month of May last, addressed to the said Archbishop, the Bishop of Norwich, and John Maunsell, Treasurer of York and papal Chaplain, and orders him by virtue of the said mandate to proceed in person to Hugh le Bigod, and admonish him to deliver the castles of Scarborough and Pickering to the King, intimating to him that if he refuses to do so the Archbishop will proceed to excommunicate him in accordance with the form of the mandate.<sup>1</sup>

This mission, which it must have required some courage to execute, he evidently discharged, for on the iij Kal. of September (30 August), the day after his election, the new Pope Urban IV.<sup>2</sup> writes to Boniface, Archbishop of Canterbury, and John Maunsell, Treasurer of York and Chaplain to the Pope, acknowledging their letter of xi Kal. of September (22 August), received that evening, quoting the late Pope's Bull, and informing him that they had personally approached Sir Hugh le Bigod at Kyrkelymoreshesd' (Kirby Moorside), and carefully admonished him to give up the said castles to the King, who made answer that he had received them by the will and command of the King and his sworn magnates, under his corporal oath that he would guard them faithfully, and he would give them up to no man unless by the will and command of the said King and his magnates. But he professes that he will readily give them up to the said King, with the express advice and will of the said magnates or the greater part of them.<sup>3</sup> Whether these castles were eventually given up to the King or not I do not learn, but the new Pope does not appear to have given any further mandate in the matter.

In the following November a treaty for peace was made between the King and his barons, which was ratified at London

<sup>1</sup> Rymer's *Fædera*, vol. i. p. 408.

<sup>2</sup> Alexander IV. died on the 25th of May, 1261, and Urban IV. was elected on the 29th of August, and crowned on the 4th of September, 1261.—Nicolas' *Chronology of History*.

<sup>3</sup> Rymer's *Fædera*, vol. i. p. 409.

on the vigil of St. Nicholas (5th December), 1261. By this treaty it was provided that three persons should be chosen on either side to arbitrate between them, of whom John Maunsell was one of those named on the King's side. If they could not agree, Richard, Earl of Cornwall, was to be added as a seventh arbitrator; if they still disagreed the King of France was to be added as an eighth;<sup>1</sup> and to him the matter seems to have been eventually referred.

On the 1st of January, 1262, letters patent were issued by the council charging John Maunsell with stirring up strife between the King and his nobles.<sup>2</sup> Letters to that effect were also sent to Rome; and the King thought it necessary to clear his faithful servant in the eyes of the Pontifical Court. Writing from Westminster on the 1st of January (the same day on which the letters patent were issued in his name) to the College of Cardinals, he says "We have been informed that certain persons, forgetful of their proper honesty, have falsely and maliciously represented to the supreme Pontiff, that our beloved and faithful John Maunsell, Treasurer of York, has been endeavouring to stir up strife and dissension between us and our nobles, to the detriment of our nation and public disturbance of our kingdom; whereat we are much moved and disturbed, especially because he never at any time endeavoured to set us against any notable person of our realm, or would have had dissension or a scruple of discord between us on any account, except that he has effectually and constantly stood by us (as he was bound by his fealty to do) in upholding and preserving our rights and dignity, and found the means of hindering the accomplishment of those things which seemed to be undertaken to cause trouble. And forasmuch as we know the said John (who was brought up under our tutelage, and whose disposition, morals and merits, we have known from his youth up) to have been ever diligent and faithful in our affairs and those of the realm, we are bound to shew him our royal

<sup>1</sup> *Annales de Osencia.*

<sup>2</sup> *Cal. Rot. Pat.* 46 Hen. III. *a tergo*, m. i.

favour, and we especially commend him to your good will, intimating with all truth to your holiness that he is entirely innocent of the crime that has been laid to his charge, wherefore we claim it of your love that you should put no faith in such detractors and evil prompters, and that you should be ready to treat him, if it please you, with all the more affection and favour because others have endeavoured to defame him and take away his character."<sup>1</sup>

Such a character given by a King to his subject after so many years of service, bears the highest testimony to his unswerving fidelity to his sovereign prince.

While awaiting the result of the reference to the French King, Henry thought it expedient to obtain a second dispensation from the new Pope, and John Maunsell was the confidential agent employed for this purpose. In a letter dated 6th February, 1262, one Roger Lovell, clerk, informs the King that Master John Maunsell has obtained for him the fullest release from his obligations.<sup>2</sup> This second bull was dated from Viterbo, v. Kal. Mar. (25 February.)<sup>3</sup>

The Archbishop of Canterbury, John Maunsell, and others, were enjoined to publish it in all churches with ringing of bells and lighted tapers; and it was accordingly proclaimed at Westminster on the 2nd of May, 1262.<sup>4</sup>

In July, 1262, Maunsell accompanied the King to France as keeper of the great seal, and returned with him to England in December following.<sup>5</sup>

The said John Maunsell, and Simon de Walton, bishop of Norwich, were entrusted with power, by the Pope, to absolve the King and his nobles from the oath they had taken at Oxford, which was repudiated and annulled by the Roman pontiff as an unlawful one. They were moreover furnished with authority to

<sup>1</sup> Rymer's *Fœdera*, vol. i. p. 415.

<sup>2</sup> Royal Letters, *temp.* Hen. III. p. 206, No. 950.

<sup>3</sup> Rymer's *Fœdera*, vol. i p. 416.

<sup>4</sup> Blaauiw's *Barons' War*, p. 96, note.

<sup>5</sup> Eyton's *Antiquities of Shropshire*, vol. i. p. 339.

excommunicate all who refused to be absolved from the oath.<sup>1</sup> This, and the great activity which they had shewn in the King's behalf, brought down upon them the fury of the barons, who plundered their lands, carried off all their moveable goods wherever they could lay hands on them, and sought to put them to death.<sup>2</sup> The eminent services rendered by Maunsell, and his invaluable council, rendered it expedient for the King to keep him with him as long as possible; and Henry in a letter of 5th February, 1263, informs the King of France that, being unable to spare his beloved and faithful John de Maunsell and Robert Walerand, on account of his own sickness, the Welsh war, and other important business, he sends the bishop of Exeter and others in their stead as envoys to settle the terms of peace.<sup>3</sup> But the rage of the barons against Maunsell now became so great that, at about midsummer of that year, he was obliged to escape from their vengeance by leaving the country. The King and Queen had shut themselves up in the Tower of London with the said John Maunsell, Robert Walerand and a few others,<sup>4</sup> and Maunsell leaving the Tower, with the Countess de Lisle,<sup>5</sup> by the river Thames, proceeded to Dover Castle with Edmund, the King's younger son, from whence, on the feast of Saints Peter and Paul (29th June), he crossed the sea to Boulogne where he met with an honorable reception<sup>6</sup> at the hands of Gerard de Rodes, a French knight.<sup>7</sup>

He was pursued at this time by Henry, son of Richard, Earl of Cornwall, who had joined the movement of the barons against

<sup>1</sup> *Chronicon Thomæ Wykes.*

<sup>2</sup> *Ibid.*

<sup>3</sup> Royal Letters, *temp.* Hen. III.

<sup>4</sup> *Chronicon Willelmi de Rishanger.* Edited by J. O. Halliwell for the Camden Society, additional notes, p. 118.

<sup>5</sup> *Annales de Dunstaplia.* This lady, whom the Annalist calls Countess de Lisle, was Isabel, Countess of Devon and Albemarle, and lady of the Isle of Wight. She was the daughter and eventual heiress of Baldwin, Earl of Devon and Lord of the Isle of Wight, and widow of William de Fortibus, Earl of Albemarle.

<sup>6</sup> Rishanger's *Chronicle*, as before.

<sup>7</sup> Blaauw's *Barons' War*, p. 106.

his uncle, and who incautiously followed Maunsell to Boulogne, where he was siezed and imprisoned by Ingelram de Fiennes.<sup>1</sup>

The King now agreed with his barons to refer the settlement of their disputes to Louis, King of France, to whose court he at once repaired. The barons also sent their representatives to the court of Louis, where they found the ever ready John Maunsell,<sup>2</sup> who had already procured letters from the Pope to the French King. Louis gave his award on the 23rd January, 1264, in favour of Henry, annulling the Provisions of Oxford, but the barons refused to abide by his decision, and the result was a civil war in which the English King was defeated and taken captive at the battle of Lewes on the 14th of May, 1264. But all this is matter of general English history, which we need not follow here any further.

The Tewkesbury *Annalist* informs us that Maunsell's lands were seized by Simon de Montfort and given to his (Simon's) son. In fact, they had already been seized by his enemies as soon as he had left the country, and by letters patent, issued in the King's name, in July or August, 1263, all the hereditaments in England which belonged to John Maunsell were given to Simon de Montfort, junior, son and heir of Simon, Earl of Leicester.<sup>3</sup> Almaric de Montford, another of the Earl of Leicester's sons, succeeded to Maunsell's office of Treasurer of York, to which he was appointed on 7th February, 1265, after the said Maunsell's death;<sup>4</sup> and William de Montfort to his prebend in the church of Bruges (Bridgnorth, in the county of Salop).<sup>5</sup>

In the meantime, on the 14th of February, 1264, the King deposes his royal consort Queen Eleanor, Peter, Earl of Savoy, and John Maunsell, Treasurer of York, to receive from Louis, King of France, the money which Louis owes to the English

<sup>1</sup> *Annales de Dunstaplia.*

<sup>2</sup> *Annales de Theokesberia.*

<sup>3</sup> *Cal. Rot. Pat.* 47 Hen. III. m. 16.

<sup>4</sup> *Le Neves' Fasti.*

<sup>5</sup> *Eyton's Antiquities of Shropshire*, vol. 1. p. 339.



King. This is the last official business in which we find Maunsell engaged. Having been stripped of all his possessions, with his Royal patron in captivity in England, he died in poverty and in exile at the close of that year or early in 1265.

Thus ended the career of this remarkable man, who exercised a greater power than any other subject during the reign of King Henry III. and who seems to have possessed an almost unbounded influence over his Royal Master. Whether this influence was always wisely used or not he never swerved in his allegiance to the King, whose letters preserved in the patent and close rolls shew how fully he trusted him in all his affairs. He must also have been a man of extraordinary courage, talent, and powers of persuasion, for the delicate embassies on which he was despatched were almost invariably successful.

When Henry was about to start for Gascony, by his will dated at Suthwyk on the Tuesday next after the feast of the apostles Peter and Paul (1st July), 1253, he named Maunsell one of his executors.<sup>1</sup>

John Maunsell's chief ecclesiastical preferments were the chancellorship of St. Paul's, the Deanery of the Royal collegiate church of Wimborne in Dorsetshire, the Treasurership of York, the Prepositure of Beverley and the Rectory of Wigan; besides which, we know him to have held the Rectory of Hoton (Hoveden or Howden) with Skern, in the county of York, the churches of Ferring, in Sussex, Sawbridgeworth, in Dorset, and Maidstone, in Kent (then probably a Rectory), the prebend of Totenhall, in the Diocese of London, that of Crackpole St. Mary's, which he afterwards exchanged for that of Leicester, in the Diocese of Lincoln, and prebends in Wells, Chichester, and the Collegiate church of Bridgnorth in Shropshire, as also, for a short time, the prebend of Fenton in the Diocese of York, to which he was appointed by the King, 29th November, 1258. He was also chaplain to the King and to the Pope. He appears

<sup>1</sup> Rymer's *Fœdera*, vol. i. p. 496.

moreover to have held lands and manors in more than half a dozen counties, most of which were afterwards given by Simon de Montfort to his son Simon.

He founded a house of regular canons at Romney in Kent, and also a priory for regular canons of the order of St. Augustine at Bilsington in the same county, to whom he gave his manor of Bilsington *superior* or East Bilsington, all his lands at Polre and Gozehale, and also his lands at Ecche, and of which he nominated William as the first Prior.<sup>1</sup>

It is probable that he was a benefactor to the University of Oxford, for the executors of John Pontysera, bishop of Winchester, gave to that University the sum of two hundred marks for the use of the Masters and Scholars, on the following conditions, namely, that on the eve of St. Nicholas annually, the said bishop should be commemorated in a mass for the dead, with special remembrance made of *John Maunsell* and John, nephew of the bishop, and that every year the priest making circuit of the schools with the bedel should recite the names of the aforesaid persons; and that at the commencement and close of each term, and in processions and masses celebrated by the University, special remembrance should be made of the said persons. A chest should be provided for the money so bequeathed, and needy scholars of all faculties should be allowed to borrow from the chest as follows: "A regent Master may borrow forty shillings, a non-regent two marks and a half, a bachelor two marks, a sophist one mark, and every scholar thus borrowing shall be bound to say for the souls of the aforesaid persons the Lord's prayer and the *Ave Maria* each five times." The University accepted the bequest and promised to fulfil the conditions.<sup>2</sup>

At an inquisition taken on the death of John Maunsell lately deceased, in 1265, with respect to certain houses of his in London, the jury stated that they were ignorant who was his nearest heir,

<sup>1</sup> Hasted's *Kent*, vol. iii. p. 470.

<sup>2</sup> *Munimenta Academica* (printed).

neither did they know whether he had bequeathed those houses to his cousin Amabilla de Rypun or not.<sup>1</sup>

From what has been stated it is clear that Parson Maunsell could never have resided at Wigan, and his spiritual duties were probably discharged by a resident vicar, of whose name we have no mention. But on account of his charter of freedom to the inhabitants of Wigan and the other immunities which he obtained for them, his history must ever be a matter of interest to them as well as to his successors, the parsons of Wigan.

Maunsell was succeeded at Wigan by Master RICHARD, who, as Rector of Wigan, joined Sir Robert Banastre, the patron, in settling on the Cathedral church of Lichfield an annual pension from the revenues of the benefice. From a copy of the original document, made in 1625 by Anthony Nichols notary public and preserved in the Diocesan Registry at Chester,<sup>2</sup> it appears that Sir Robert Banastre, Knight, with the assent of Roger de Meyland, bishop of Lichfield and Coventry, and with the consent of Richard, then Rector of Wigan, gave to God and the church of St. Mary and St. Chad of Lichfield thirty marks of silver annually to be paid from the fruits of the church of Wigan, by the hands of the Rector for the time being, of which fifteen were to be paid within the quinzaine of St. Michael and fifteen within the quinzaine of Easter, to the following uses, namely: ten marks for six boys to be elected by the bishop to minister in the

<sup>1</sup> *Inq. post. mort.* 50 Hen. III. No. 9.

<sup>2</sup> Bishop Bridgeman's Register, folio 484, see also Gastrell's *Notitia Cestriensis*, vol. ii. pp. 244, 245, who quotes from Lichf. Dioc. Reg. Lib. v. fol. 85 b. This pension has continued to the present day, though the amount has varied at different times. In the *Valor Ecclesiasticus*, temp. Hen. VIII. it is put at £20. In the *Notitia Cestriensis* of Bishop Gastrell, who was consecrated in 1714, it is described as a pension of 30 marks *per annum*. A sum of £16 is now (1887) paid annually by the Rector of Wigan to the Sacristan of Lichfield Cathedral, who informed the writer, in 1878, that the pension is now disposed of as follows, namely: to St. Paul's Cathedral, £4 3s. 4d.; to the Dean and Chapter of Lichfield, £2 14s. 8d.; to bread (St. Thomas' Dole) to all householders of the close, Lichfield (being Vicars choral and a few others), £1; to the Sacrist, £2 12s. 8d.; Total £16.

said church ; ten marks towards the sustentation of the fabric, so long as the same bishop should live, and after his decease five marks to be expended annually on the anniversary of his death, in bread for the poor, to be given by the hands of those whom the bishop shall depute, and the other five marks to be distributed on the anniversary of the death of the said bishop, among the Vicars solemnly serving in the said church, by the hands of the Sacristan ; the residue to be given to the Sacristan of the same place for his own use. Each Rector of the church of Wigan, immediately after his institution, should come to the church of Lichfield, and there, before the Dean and Chapter, should swear to pay the thirty marks annually according to the prescribed form ; and if at any time he should cease from paying the said sum of money, it should be lawful for the said bishop to compel him to pay it by suspension, excommunication, and interdict. The original donation was attested and dated at Lichfield, vi. Id. July (July 10), 1265.

In 2 Edw. I. (1273-4) there was an assize taken between the Abbot of Cokersand and the parson of Wigan, concerning certain tenements in Halghton in Shaldefordshire,<sup>1</sup> (*i.e.* the hundred of Salford). It is probable that Master Richard held the Rectory till 1277, in which year the benefice seems to have been vacant ; for by a judgement delivered in 11. Edw. I. (1283) it appeared that, in 1277, the right to the advowson of the church had been disputed, but the Judges of both Benches then decided that Robert de Banastre, holding of the King, was the true patron.<sup>2</sup>

I presume that ADAM DE WALTON was the Rector presented at that time. Master Adam de Walton, Parson of Wigan, was summoned to appear at Lancaster on the octaves of the Holy Trinity, 20 Edw. I. (9 June, 1292), to show by what warrant he

<sup>1</sup> Tanner *Notitia*, Cokersand, p. 232.

<sup>2</sup> *Notitia Cestriensis*, vol. ii, p. 243 ; Baines' *Hist. of Lancashire*, vol. iii, p. 531, who quotes from *Placita term. Pasch.* 9 Edw. I. *Rot. 5. Min. Rec.* In the *Abbréviation Placitorum*, p. 201, it is stated that judgment for Robert de Banastre was

claims to have a market, and fair, and emends of assize of bread and beer in Wigan. And by what warrant he claims for himself and his men of the same town to be quit of suit to the county and wapentake; and to have a free borough, infangenthef, and utfangenthef, in the said town, privileges which pertain to the crown and dignity of the King, without the licence and will of the King himself and his predecessors, the Kings of England. And Master Adam came and produced two charters, made by the lord Henry, father of the King that now is, to a certain John Maunsell, formerly parson of the same church, of which the one is dated in the 30th year of his reign.<sup>1</sup> This charter was conceded and confirmed by the said King, for himself and his heirs, to his beloved and faithful John Maunsell, parson of the church of Wigan, that his town of Wigan should be a borough for ever; that the burgesses of the same borough should have a Merchant-Guild, with a hanse, and all the liberties and free customs to that guild belonging; and that no one who is not of that guild should make any merchandize in the aforesaid borough except by the will of the same burgesses. He also conceded to the same burgesses and their heirs, that they should have sok,<sup>2</sup> sak,<sup>3</sup>

delivered on the morrow of St. John the Baptist (June 25), 2 Edw. I. (though it is recorded among the pleas of the 9th year of that reign, viz. 9 Edw. I. *Rot.* 5): and to this record a foot-note is appended to the effect that in Michaelmas Term, 23 Edw. III. (*Coram Rege Roll*, 21), this judgment was reversed by reason of errors, and the King was adjudged to have his action against Robert de Langeton, cousin and heir of the said Robert Banastre, which the King's grandfather had against the aforesaid Robert Banastre. From which it appears that it was King Edward I. who had claimed the advowson against Banastre in 1277. It will be seen hereafter that the King eventually restored the patronage to the Langtons.

<sup>1</sup> According to the printed copy of the Wigan charters in the Wigan Free Library, this charter was dated at Wodestok, on the 26th of August, 30 Hen. III. (1246).

<sup>2</sup> Sok, or socage, was a tenure of lands by which a man was enfeoffed freely, or in fee simple, without any military service, relief, ward, or marriage, paying only to the lord a stated rent in money or provisions.

<sup>3</sup> Sak was the privilege or franchise, enjoyed by the lord of a manor of determining in his own local court the disputes of his tenants; so that in this case the men of Wigan would be tried by their own townsmen.

tol,<sup>1</sup> them,<sup>2</sup> and attachment, within the said borough, and infangenthes,<sup>3</sup> and utfangenthes,<sup>4</sup> and that they should be free, throughout the whole land, and through all the sea-ports, of toll, lastage,<sup>5</sup> pontage,<sup>6</sup> passage,<sup>7</sup> and stallage,<sup>8</sup> and that they should do no suit to county or wapentake for their lands which they hold within the aforesaid Borough; he also conceded to them that whatsoever traders should come to the Borough aforesaid with their merchandise, from whithersoever they came, whether foreigners or others, so that they entered the land peaceably, and with the King's permission, should pass safely and securely to the aforesaid Borough with their merchandize, and should remain there in security, and safely return from thence upon paying the customary dues; and he commanded that the said vill of Wigan should be a free Borough for ever. By the other Charter of the same King Henry, dated in the 42nd year of his reign, the said King conceded, for himself and his heirs, to his beloved and faithful John Maunsell, parson of the Church of Wigan, that he and his successors, parsons of the said Church, for ever should have a market at their Borough of

<sup>1</sup> Toll or thol, in the Saxon charters, was the liberty of buying or selling, or keeping a market. In later times it signified the customary dues or rent paid to the lord of a manor for his profits of the fair or market, or it sometimes implied a liability to pay such dues by traders in any market.

<sup>2</sup> Them, or theam, was a franchise which gave to the lord of a manor an absolute jurisdiction over his villeins and natives.

<sup>3</sup> Infangenthes was a liberty granted from the King to some lords of a manor to try all thieves, being their tenants, within their own court.

<sup>4</sup> Utfangenthes was a similar liberty of trying foreigners or strangers apprehended for theft within their own fee.

<sup>5</sup> Lastage was the custom exacted in markets for selling wares by the Last, or wholesale quantity; a Last of pitch was twelve barrels, of hides or skins twelve dozen, of corn, ten quarters, of leather 200 skins.

<sup>6</sup> Pontage was a fee, custom, or toll levied on travellers or passengers over a bridge, towards its repair and maintenance.

<sup>7</sup> Passage was a similar toll levied on persons passing any spot, with or without carriages.

<sup>8</sup> Stallage implied the dues assessable on persons who erected stalls in any fair or market.

Wigan on Monday in every week, and two fairs there for six days, namely, on the Vigil, the day, and the morrow, of the Ascension of our Lord, and on the Vigil, the day, and the morrow of All Saints, unless that market and fair should be to the injury of neighbouring markets and fairs. Wherefore he claims by these charters to have a market and fair in the aforesaid vill, and emends of bread and beer on the days of the market and fairs as a liberty appurtenant and annexed to the said market and fair, &c., and so in like manner on every day throughout the whole year. And in like manner he claims for himself and his men of that vill that they should be free of suit to County or Wapentake, and that he should have a free borough with infangenthes and utfangenthes, and to make attachments, which pertain to the aforesaid liberties, by his bailiffs in the same vill; but attachments for pleas of the crown, and the execution of briefs and precepts determinable by the King's Justices, or the county, are made by the King's bailiff. Subsequently the aforesaid Master (Adam) said that he did not claim Utfangenthes although it was contained in his charter. William Inge, who prosecuted on behalf of the crown, pleaded that he (Master Adam) had arrogated to himself the emends of assize of bread and beer on the authority of the aforesaid charter for a market and fair, whereas these liberties are not to be inferred from the said charter. He also says that the same Master Adam took emends of assize of bread and beer in the said vill on every day in the year, and that he exercises the liberty of infangenthes and utfangenthes otherwise than he ought to do. He also says that the same Master Adam and his bailiffs of the said vill had before them, on pleas of *sacrabord*, felons accused of felonies committed beyond their jurisdiction, and those felons had put themselves upon a jury of their country. He had tried that matter by men of the aforesaid town, whereby some had been improperly condemned, and some had been freely dismissed. Master Adam says that he does not claim to determine

pleas *de vetito namio*<sup>1</sup> in the said Borough, nor has he ever determined them, neither has he abused the aforesaid liberties, as is laid to his charge, and he begs that this may be inquired into. A Jury was accordingly impanelled, consisting of William le Butiller, Robert de Lathun, Nicholas de Leycestre, Henry de Kyghele, and John de Ewyas, knights, William de Moeles, Henry de Tyldesley, Richard de Urmeston, Alan de Bisheton, Nicholas Blundel, Robert de Bolde, and Alan de Halshal, who stated upon oath that the aforesaid Master Adam and his predecessors from the time of the making of the said charters have been used to hold fairs and markets in the said borough, and when any one is convicted of breaking the assize of bread and beer he is amerced in the court of the same Master Adam in the aforesaid vill, and if he should be convicted once, twice, thrice, or more, he is always amerced for a fault of this kind, and not punished in any other way by judgment. And as to infangenthef they say that a certain Roger de Asheton caused a certain William le Procuratur detected with the stolen goods in his possession to be attached by the said Master Adam's bailiff for a certain ox which he asserted that the aforesaid William had stolen in Hasphulle (Aspull) in the Wapentake of Salford, and accused him of felony, and the said William procured Henry Crowe to be his warranty, who came to the next court, and warranted him, and said that he would procure good warranty at the next court. On this the suitors and the burgesses of the town discharged William le Procuratur, the felon, and detained the aforesaid Henry Crowe in prison for three weeks, until the next court, when the said Henry Crowe came and acknowledged the robbery, and was hung by judgment in the absence of the Coroner. And the aforesaid William is yet living. The jurors were asked who was then the bailiff of the aforesaid court. They said it was a certain Matthew le Clerk,

<sup>1</sup> *Placitum de namio vetito*; this suit was the remedy of a person whose cattle, &c., had been wrongfully impounded, or impounded in some place not warranted by prescription or other right.



who was now present. They were asked whether Master Adam had consented to this proceeding, or permitted it. They said he had not. They also said that a certain Hugh Ashegh had caused a certain Nicholas Wade to be attached by the said bailiff in the said vill, who was taken with the stolen goods in his possession, for a certain tabard and sword stolen in the vill of Preston, and had prosecuted him at the first court ; but at the second court no one had appeared to prosecute, nor yet at the third or fourth court. And so the suitors and the burgesses agreed to discharge the prisoner without taking any further steps in the matter. They also said that the same Master Adam takes a capital toll and emends of assize of bread and beer on every day of the year, as well as on the market and fair days. They also said that the said Master Adam is quit of suit to County or Wapentake, and that his predecessors have been so from the time of the making of the aforesaid charters, but not from ordinary fines and amercements because at the last itinreray here the men of the said Borough gave to the Wapentake of Makerfeld a hundred shillings as their common fine.

The Community of the said vill, by twelve men of that vill who came to answer for the vill concerning the acquittance of the said William Prokeratur and Nicholas Wade, had nothing to say about this, but as to the court and liberty of the said vill they said these belonged to the Parson of the Church of Wigan, and they were suitors there. Whereupon it was decided by that jury, after inspection of the charter, that King Henry, by his charter, had conceded sok and sak and infangenthef, &c., to the burgesses of Wigan and their heirs, and not to the parson of the church ; and the aforesaid burgesses, who, according to the form of the said charter, ought to have the said liberties, had neither hitherto made use of them, nor claimed them ; and the said Master Adam and his predecessors from the time of the making of the said charter, by their bailiffs, had exercised the said liberties. Since, however, they were not conceded to the Parson, and the aforesaid bailiffs and suitors by the decision

of the court at . . . had let the said William le Procuratur and Nicholas Wade go free, when, by the law and custom of the realm for the observance of the King's peace, the truth of the matter ought to have been inquired into at the suit of the King, which could not be done by the said bailiffs and burgesses because the principal act was done beyond their jurisdiction. It was decided that the Borough with the liberties contained in the first charter should be taken into the King's hands during the King's pleasure, and the sheriff is ordered to account for the issues thereof. And as to the market and fair which he claims by another charter, and the taking emends of the assize of bread and beer on the market and fair days, the aforesaid Adam should retain them for the present, but because he had punished the transgressors of this assize, after being convicted three or four times, at his discretion, and not judicially, therefore he is at the King's mercy for this. And the suitors of the said court are likewise at the King's mercy for their fault.

The liberties claimed by the Parsons were, however, afterwards restored, on the application of John Byrn, guardian of the land and heiress of Robert Banastre, patron of the said church, on behalf of the said heiress, who said that the predecessors of the aforesaid Master Adam had died in seisin of the said liberties as of the right of the aforesaid church: and that the aforesaid Master Adam had answered by himself, of his own accord, without seeking the help of his patron or the ordinary of the place; the value of the said court being thirty shillings a year.<sup>1</sup>

Master Adam de Walton was still living and Parson of the Church of Wigan in 1299-1300, when it was shown that the course of a certain water in Standish and Hagh had been unjustly diverted by William de Bradeshagh, and Mabill, his wife, to the injury of the said Adam in Wigan.<sup>2</sup> Adam de

<sup>1</sup> *Plac. de quo waranto*, 20 Ed. I. *Rot.* 2 d.

<sup>2</sup> *Extracte Raddisseisin' Cancellar' de anno 28 Edw. I.* (*Abb. Rot. Orig.* I. 113.)

Walton was Chancellor of the church of Lichfield from 1276 to 1292, when he was made Precentor of that Cathedral.<sup>1</sup> He resided partly at Lichfield, and from the following presentment of the Lichfield jury in the Plea Rolls of 21 Edw. I. (1293) he was evidently regarded by the beggars of that day as a liberal dispenser of alms. The jury reported that a certain mendicant, Thomas de Sestreshire (Cheshire), together with a multitude of other paupers, came to the house of Master Adam de Walton within the close of Lichfield to receive alms, and the door of the said Adam's house being opened Thomas hastened to enter with the other paupers, and owing to the great pressure John le Wryere, the porter (*claviger*) of the said Master Adam, struck him with a stick on the head in order to keep him back, and the said Thomas fell, and, being trodden under foot by the multitude of other paupers, he was suffocated. The jury, together with the jury of the Hundred of Offlowe, being asked if the said John had struck Thomas feloniously, said that he had not, and that the blow was not the cause of his death, for he had been suffocated by the pressure of the crowd.<sup>2</sup>

Adam de Walton died in August, 1303.<sup>3</sup>

ROBERT DE CLYDERHOU, the next parson, was instituted to the Church of Wigan on Sunday, the morrow of St. Matthew the Apostle (Sept. 22), 1303, in the Chapter of Lichfield Cathedral, on the presentation of Sir John de Langton.<sup>4</sup> The said Sir John, who was a clerk, and afterwards became Lord Chancellor and Bishop of Chichester, presented in right of his custody of the lands and heiress of Robert Banastre, which Robert died before 1293. Alice Banastre, then in her minority, was the daughter of James Banastre (who died in his father's life time), and grand daughter and heiress of the said Robert

<sup>1</sup> Le Neve's *Fasti*. In the cathedrals of the old foundation there is a chancellor of the church as well as of the diocese.

<sup>2</sup> *Pleta Corona*, Stafford, 21 Edw. I. m. 23.

<sup>3</sup> Le Neve's *Fasti*.

<sup>4</sup> Lichfield Diocesan *Register*, Lib. I. fol. 96.

Banastre, Lord of Newton. She was given in marriage to *John de Langton* (brother of the Chancellor *John de Langton*, and son of Robert de Langton, of West Langton, in the county of Leicester), to whom, in 1301, the King granted a weekly market and two annual fairs at his manor of Newton in Makerfield.<sup>1</sup>

In 32 Edw. I. (1303-4) a fine was levied of the manors of Walton-in-le-Dale, Newton, and Louton (Lowton), and the advowson of the Church of Wigan, between John Langton and his wife and John Langton, clerk.<sup>2</sup> But the right of presentation to Wigan Church at this period appears to have been disputed by William de Standish, though he was unable to substantiate his claim. The pleadings in the suit, held in Michaelmas term, 31 Edw. I. (1303), are thus recorded in the year book of King Edward I.<sup>3</sup>—

Sheweth unto you William, the son of Jordan de Standish, by his attorney, &c., that John, the clerk de Langetone, &c., tortiously deforces him of the advowson of the *chapel* of Wygan, and tortiously for this, that it is his right and heritage, and whereof one of his ancestors, named Ralph, was seized as of fee and of right, in time of peace, in the time of King Richard, cousin of our Lord the King that now is, whom God preserve, who in his lifetime presented his own clerk, *Ulf* by name, who on his presentation was received and instituted, &c., in the same time, which clerk took the esplees, such as great tithes, small tithes, oblations, obventions, and other kinds of issues of the chapel, amounting to half a mark and more, as in right of the aforesaid chapel; from Ralph the right descended, and ought to descend, to one Richard as son and heir; from Richard, because he died without heir of his body, to Alexander as brother and heir; from Alexander to Ralph as son and heir;

<sup>1</sup> Chetham Society Publications, vol. xcix. p. 96. By this marriage the advowson of the Church of Wigan passed to the Langtons.

<sup>2</sup> *Lancashire and Cheshire Records*, vol. 8 p. 326. It was not in those days very unusual for two brothers to have the same Christian name.

<sup>3</sup> Rolls Edition, p. 338.

from Ralph to Edmund as son and heir; from Edmund, because he died without heir of his body, to Hugh as brother and heir; from Hugh, because he died without heir of his body, to Jordan as brother and heir; from Jordan to Ralph; and from Ralph to William, who now demands; and he offers suit and proof. EST. denied, &c., and said, Sir, whereas they demand against us the advowson of the *chapel* of Wygan, we say that we hold the advowson of the *Church* of Wygan, which church has the rights of sepulture and baptism; and we say that *there is no other chapel*; therefore if he will admit this we pray judgment of the writ; or if he will say that there is another chapel, then we cannot be certified of that without a view, and we pray the view, &c., if we may have it. WILLEBY—There is no other chapel in the town of Wygan but this, whereof they ought not to have the view. And, on the other hand, although they call it the mother church, or by any other name, we now say that it was a chapel in the time of our ancestor, as we have counted, &c. TOUTHEBY—Sir, the writ states,—“Command, &c., that he yield up the advowson of the *chapel*, &c.” Therefore we say that he cannot yield up the *chapel*, &c., for we say that he is not tenant of a *chapel*, &c., but he is tenant of the advowson of a *church*, &c., to which clerks were presented in the time of King Henry, and in the time of the King that now is, as to a *church*; therefore we cannot be certified unless by the view whether he demands this church, or whether he means to say that there is another chapel. But it would be different if he demanded against us the advowson of a *church*, and there were only one church in the town, for then we should not have the view, but in the present case the view is necessary, for otherwise perhaps we should lose our voucher. WILLEBY—It was a chapel in the time of our ancestor, and we have offered suit and proof, and he answers not. WARR—Sir, John cannot yield up the advowson of a *chapel*, for we say that this is a church, &c., and not a *chapel*; and this we will aver. WILLEBY—As before. MUTFORD—From their demand, and from our plea two things

may be inferred. They demand the advowson of a *chapel*, &c. We say that we hold the advowson of a *church*, &c. Wherefore the view is necessary. WILLEBY—There is only a chapel in the town. WARR.—We cannot yield up what he demands, for we hold the advowson of a *church*, and at present we do not know if he demands the advowson of a chapel in that church, as we have seen in other cases, or if he mean to say that there is another chapel; and we pray the view, &c. And the Justices awarded the view, and he had it.

Robert de Clyderhou was the son of Jordan and Cecilia de Clyderhou,<sup>1</sup> from whom he probably inherited the manor of Bayley in the county of Lancaster. Like his predecessor Maunsell he was a man of some importance in the affairs of State and entrusted with several commissions by the Crown. By writ tested at York on 3rd June, 1312, he was summoned as a clerk of the council to the Parliament to be held at Lincoln on Sunday next after the feast of St. Mary Magdalen, 23rd July (6 Edw. II).<sup>2</sup> In 7 Edw. II. he paid a fine of five marks to the King for a renewal of the charter granted to John Maunsell;<sup>3</sup> and a charter of *inspeximus*, tested at New Minster on 7th June of that year, 1314, was accordingly granted by the said King to his beloved clerk Robert de Clyderhou and his successors, parsons of the church of Wigan, and the burgesses of the borough aforesaid, confirming the privileges before given to John Maunsell and his successors.<sup>4</sup> In 8 Edw. II. Robert de Clyderhou appears as the King's escheator, *citra Trentam*,<sup>5</sup> as also in 9 Edw. II., in which year he seems to have changed places with John Walewayn and taken the escheatorship *ultra Trentam*. In the following year they appear to have

<sup>1</sup> Whittaker's *Whalley*, ed. of 1876, vol. ii. p. 83.

<sup>2</sup> Parliamentary Writs.

<sup>3</sup> *Extract. Grossorum Finium*, 7 Edw. II., *Ro. 9* (*Abb. Rot. Orig.* vol. i. p. 207.)

<sup>4</sup> Wigan Borough Charters. *Novum Monasterium*, or New Minster, from whence this charter was dated, was situated in Northumberland. The King seems to have passed about a fortnight there and proceeded thence, about the middle of the month, to Berwick-on-Tweed.

<sup>5</sup> *Abb. Rot. Orig.* vol. i. p. 217.

again changed places. In this year, on 22nd Sept. 1316 (10 Edw. II.), Robert de Clyderhou was empowered, with others, to make a new assessment of the fifteenth in the city of York.<sup>1</sup> On the following day, ix Kal. Oct. (23rd Sept.) 1316, as *Dominus Rob. de Cliderhow, presbyter*, he was instituted to the rectory of Gargrave, in the deanery of Craven, on the presentation of the Abbot and Convent of Sallay.<sup>2</sup> But he did not hold it long, for his successor was instituted on 22nd April of the following year, 1317.

By writ tested at York, 8th June, 1319, and again by writ tested at Westminster, 5th June, 1320, he was ordered to cause all proceedings before him as Justice of assize, or otherwise, to be estreated into the Exchequer.<sup>3</sup> In 1322, 11th July, 16 Edw. II., he entered into his recognizances as one of the manucaptors for Gilbert de Haydok, on his discharge from imprisonment.<sup>4</sup>

His tenure under the Earl of Lancaster now brought him into opposition to the crown. Like most of the magnates of the county of Lancaster, he took part with the said earl and the barons against the King and his unpopular favourite Piers Gaveston; and after the fall of Thomas, Earl of Lancaster, who was taken prisoner at the battle of Boroughbridge, and beheaded in April, 1321, his adherents were prosecuted for high treason.

Two years later, at Michaelmas, 1323, an inquisition was held before the King at Wigan, when the jury presented that Robert de Clyderhou, parson of the Church of Wigan, who had been for thirty years clerk of the King's chancery and afterwards Escheator *citra Trentam*, had sent to the assistance of the Earl of Lancaster, at his own expense, two men at arms with good equipments, namely, his son, Adam de Clyderhou, and John, son of John de Knolle, and with them four strong and powerful foot-soldiers, armed with swords, knives, and bows and arrows, and also that the said Robert had publicly preached in his church of Wigan on a certain holiday, when he told his parishioners that they were

<sup>1</sup> Parliamentary Writs.

<sup>2</sup> Whittaker's *Hist. of Craven*, 3rd edition, ed. by A. W. Morant, p. 231.

<sup>3</sup> Parliamentary Writs.

<sup>4</sup> *Ibid.*

the liege men of the said Earl, and were therefore bound to serve him in his enterprise against the King, swearing that his cause was a just one, and that of the King unjust, and promising plenary absolution of all their sins to every one who would go to his assistance ; and so he had caused many to take part against the King who would not otherwise have done so. The said Robert appeared in court and made answer for himself that he had on a certain holiday, in his preaching, asked his parishioners to pray for the King, the peace and good estate of the realm, and for the Earls and Barons of the kingdom, and that God would so order and dispose between them that the peace and tranquility of the realm might in all things be preserved. He denied that he had sent any men at arms or men on foot to the assistance of the said Earl against the King. And as to this he placed himself upon a jury of his country. The jury elected to try him consisted of Sir Baldwyn de Gynes and Sir John de Kyrkeby, knights, Gilbert de Scaresbrek, William de Coudray, Alan de Rikkeston, Robert de Saunky, William de Standissh, John de Cophull, John de Asshton, John Banestre del Bonk, John de Heskeyth and Adam Nowell, who said upon their oath that the aforesaid Robert de Clyderhou had sent to the said Earl the said two men at arms and four men on foot to the help of the same Earl against the King at the cost of the same Robert, and that he had preached in the church against the King, as had been presented. Therefore Robert was committed to prison. Afterwards Simon de Aluetham, Adam de Clyderhou, Richard, son of Henry de Clyderhou, Henry de Rysshton, Roger de Aspeden, Hugh de Pemberton, Richard de Ins juxta Wigan, John de Boulton, Adam de Pemberton, John de Cruce, John son of Hugh of Wigan, Henry Russell of Wigan and Robert de Huyton became manucaptors for his appearance at the King's Bench, on the Monday next after the Octaves of St. Martin, under a penalty of 1,000 marks, and also for the payment of his fine to the King. On which day the said Robert appeared and proffered a fine of



£200 to the King for his transgression, which was accepted and his manucaptors were discharged.<sup>1</sup>

This sentence did not deprive him of his benefice, and in the next reign we find him justifying his conduct, in a petition to the King and his council, on the ground that he was assessed in Lancashire for the lands which he held there, and required to find, for the Earl of Lancaster, whenever he should go to war against the enemies of his country, a man mounted and armed. For doing this, and because he had caused prayers to be said in his church for the Earl of Lancaster and the other barons, that God would give them grace to maintain the crown and the peace of the realm against the plunderers of the land, he had been arraigned and sent to Nottingham whence he had been ransomed for 300 marks. In order to pay this he had been obliged to sell his land and pay 200 marks into the exchequer and 30 marks for the Queen's money, and Sir Robert de Leyburn, late Sheriff of Lancashire, who is now dead, had levied 300 marks of the said Robert to his great loss, for 200 of which he had an acquittance from the said Sheriff, but they are not yet paid into the exchequer. In a second petition he complains that whereas King Henry, the great grandfather of the present King, had granted to John Maunsell, late parson of the church of Wigan, by charter, two annual fairs, and a weekly market every Monday, with the customs appertaining thereto, of which the said Robert receives toll on market day, and amercements of emends of the assize of bread and beer, the burgesses, who are his tenants, come and hold a market among themselves, and with strangers, every day of the week, in diverse goods, although they be ill-gotten or stolen, and take toll for such merchandize and appropriate it to themselves, without any manner of charter or warrant. Also they make assay of bread and tasting of beer on every day of the week, except Monday, and take the amercements and profits thereof unwarrantably, by force and power, to the prejudice of the

<sup>1</sup> *Rot. Plac. coram Rege Mich.* 17 Edw. II. No. 65 (Parliamentary Writs, vol. ii. Div. ii. appendix, p. 240.)

market of the said Robert and to the disinheritation of his church. The answer to the first of his petitions is that nothing can be done for his relief; and to the second that he must sue at common law.<sup>1</sup>

In 3 Edw. III. (1329) Robert de Clyderhou had a confirmation of the charter for a market and fair at Wigan.<sup>2</sup>

In the following year, 4 Edw. III. (1330), it appears from the return to an inquisition of *ad quod damnum* that it would not be to the King's hurt if Robert de Clyderhow, clerk, should give and concede to the Abbot of Cockersand the manor of Bayley, in the county of Lancaster, which he held of the Prior of St. John of Jerusalem, by the rent of 3*d.* for all services, and of the Lady Isabella as of the honor of Cliderhow.<sup>3</sup> The said Robert de Clyderhou, Rector of Wigan, had previously built a chapel in his manor of Bayley, dedicated to St. John Baptist for the souls of the said Robert, Jordan de Clyderhou, and Cicely, his wife.<sup>4</sup>

In 7 Edw. III. (1333) Robert de Clyderhou, clerk, recovered his seisin against Adam, son of Hugh de Clyderhou, and John, son of Hugh de Clayton, of 36 acres of land, six acres of wood, six acres of meadow, and an eighth part of one mill, with the appurtenances, in Clyderhou and Dynkedeleye.<sup>5</sup> In the same year the first charter for paving the town of Wigan, and erecting a bridge over the Douglas, was obtained.<sup>6</sup> This brings us to the close of Robert de Clyderhou's life. He died on the Saturday next after the feast of Pernella (April 2), 1334.

IVO DE LANGTON, clerk, son of John de Langton, was admitted to the Church of Wigan on xvii Kal. July (*i.e.*, 15th June), 1334, and instituted, on the presentation of Robert, son of John de Langton, the patron of the church, on the death of Sir

<sup>1</sup> *Rot. Parl.* vol. ii. p. 406.

<sup>2</sup> Baines' *Hist. Lanc.*, vol. iii. p. 533, from *Rot. Chart.*, 3 Edw. III., n. 14.

<sup>3</sup> Whittaker's *Whalley*, vol. ii. p. 471.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Abb. Rot. Orig.*, vol. ii. p. 82.

<sup>6</sup> Baines' *Hist. Lanc.*, vol. iii. p. 533.

Robert de Clyderhou.<sup>1</sup> The chantry at the Altar of our Lady within the parish church of Wigan was founded in his time, and with his assent, by Dame Mabel, widow of Sir William Brads-haigh, knight, the daughter and heiress of Hugh le Norreys, Lord of Haigh and Blackrod. It was founded on the morrow of St. James the Apostle, 1338. This Ivo, or John, de Langton (for he is called by both names) had a serious dispute with his brother, Robert de Langton, the patron, respecting the tithes of Hindley. In 17 Edw. III. (1343) Robert de Langton, knight, William de Wystanlegh of Werinton, Robert de Pounale, and John de Boudon, were attached to answer Ivo de Langton, Parson of the Church of Wigan, wherefore they, on the feast of St. Margaret the Virgin, 16 Edw. III. (13th July, 1342) had come and taken by force, that is to say, with swords, and bows, and arrows, and carried away, the tithes of hay and corn of the said Ivo, at Hyndeley, to the value of 40 marks. Robert appeared for himself and the others, and defended their action on the ground that the said Ivo was bound to pay him an annual rent of 20 marks, and £20 in every alternate year, and that the said Ivo had conceded to him the aforesaid tithes in lieu of the aforesaid rents, so that they were taken by his consent: and the jury find a verdict for Robert.<sup>2</sup> It is not unreasonable to suppose that this was the price which he had to pay to the patron for his presentation to the church. It is probable that the disagreement between the brothers did not end here, for in the same year John de Cravene is indicted for conspiring with others at Walton to procure the presentation of himself to the church of Wigan, which was then filled by Ivo de Langton, by reason whereof he was summoned to answer in the Court of Christianity for the said presentation, whereby the said Ivo lost £300 in divers costs, &c.<sup>3</sup>

<sup>1</sup> Lichfield Diocesan Register, Lib. 1.

<sup>2</sup> *Assise Rolls Lanc.*, 17 Edw. III. M. 3. 434.

<sup>3</sup> County Pleas, 17 Edw. III., No. 17, *Lancashire and Cheshire Records* (Record Society, vol. viii. p. 362).

We may conjecture, however, that Ivo was eventually obliged to succumb to those who had conspired to oust him from his benefice, for in 1344 Roger, bishop of Coventry and Lichfield, issued his letters to William, Abbot of St. Werbergh, Chester, to admit

Master JOHN DE CRAVENE to the Rectory of Wigan on the presentation of Sir Robert de Langton, Knight.<sup>1</sup>

In 23 Edw. III. (1349) the King appears to have revived a claim to the right of presentation to Wigan church, which had formerly been made by his grandfather, King Edward I., on what grounds does not appear, but the judgment formerly given in favour of Robert Banastre was now reversed by reason of errors, and in Michaelmas Term, 1349, the King was adjudged to have his action against Robert de Langton, cousin and heir of the said Robert Banastre.<sup>2</sup> Cravene, in his turn, had now to give way to the King's nominee. On 20th February, 24 Edw. III. (1349-50) the King, by his letters patent, informed the bishop that he had established his right to the patronage against Sir Robert de Langton, and that the verdict was on record. He thereupon nominated his beloved clerk

JOHN DE WINWICK to the benefice, and commanded the bishop to grant institution.<sup>3</sup> On iv Id. (12th) March a commission was accordingly granted by Roger, bishop of Lichfield and Coventry, dated at Heywod, to Henry de Chaddesden, to institute John de Winwick to the church of Wigan on the presentation of the King.<sup>4</sup> But the right of patronage was doubtless still contested by Sir Robert de Langton, for the bishop or his commissioners seemingly withheld their hands for awhile, and during the litigation the rectory was held for John de Winwick by Henry de Chaddesden.<sup>5</sup> On 26th April, 1350, the King

<sup>1</sup> Lichfield Diocesan Register.

<sup>2</sup> *Vide ante*, pp. 31, 32, note.

<sup>3</sup> Lichfield Dioc. Reg.

<sup>4</sup> *Ibid.*

<sup>5</sup> Lichfield Diocesan Register. *Venerabilis vir Magister Henricus de Chaddesden, legum doctor*, who thus held the Rectory of Wigan for a few months, was, like his friend,

re-issued his letters patent for the institution of John de Winwick, dated from Windsor, but he does not appear to have been actually admitted until the 5th November of that year.<sup>1</sup>

John de Winwick was chaplain to King Edward III., warden of the chapel of Clitheroe Castle, and Treasurer of York Minster, to which last office he had been appointed by the King's patent, dated 29th July, 1349. He had previously been appointed by the King's patent, in 1343, to a prebendal stall at York, and in 1347 to a prebendal stall at Lincoln, which he afterwards exchanged with Henry de Blackborne for the Mastership of St. Thomas' Hospital at Marlborough.<sup>2</sup>

On 27th November, 1342, he occurs as deputy constable of the Tower of London;<sup>3</sup> and 20th June, 1345, he had letters of protection to go abroad with the King.<sup>4</sup>

In the year of his appointment to the rectory of Wigan he obtained from the King a full confirmation of the charters granted to John Maunsell and Robert de Clyderhou, with the following

John de Winwick, a great pluralist. He was Archdeacon of Stow from 1339 to 1346, when he became Archdeacon of Leicester, to which office he was admitted 14th March, 1346-7. He also held prebends in Lincoln, St. Paul's (London), and Lichfield Cathedrals, to which last he was collated 10th August, 1350 (*Le Neve's Fasti*). Canon Raines, in his *Lancashire Chantries* (Chetham Tract lix, p. 94,) speaks of him as having been Archdeacon of Lincoln and Leicester, but in this he is incorrect. Mr. Henry de Chaddesden died 8th May, 1354, and was buried in St. Paul's Cathedral, London (*Le Neve's Fasti*). He founded a chantry in the chapel of Chaddesden, in the diocese of Lichfield, on iii. Id. Sept., 1347, in honour of the blessed Virgin Mary, the chaplain to pray for the souls of the said Master Henry de Chaddesden, of Richard and Agnes, his father and mother; and for the souls of all his ancestors; for the souls of Nicholas de Chaddesden, Archdeacon of Lincoln, and Prebendary of Lichfield and Lincoln, his uncle; of Cecilia his sister; of Geoffrey de Chaddesden, his brother; of William de Horsham, late Abbot of Dale; of Sir Henry de Lande, Chaplain; and for the souls of his relatives, parishoners, friends, and benefactors, living or dead (*Raines' Lancashire Chantries*, Chetham Tract lix, p. 94, note).

<sup>1</sup> Lichfield Diocesan Register.

<sup>2</sup> *Le Neve's Fasti*. Le Neve, or his editor (*Fasti*, vol. ii. p. 116) says that he also held stalls at Lichfield, Salisbury, Wells and Chichester, but no authority is cited, and John de Winwick's name does not occur in the list of prebendaries at any one of these Cathedrals.

<sup>3</sup> Rymer's *Fadera*, vol. ii. p. 1,215.

<sup>4</sup> *Ibid.*, vol. iii. p. 48.

special addition thereto: "Moreover because of the special affection which we bear to the aforesaid John (de Wynewyk) on account of the diligent service he has rendered to us for a long time past, being willing to do him the more abundant favour on this behalf, we have granted, for us and our heirs, that although the same John or his predecessors, parsons of the said church and lords of the borough, or the aforesaid burgesses, or their antecessors or predecessors, hitherto have not used the liberties and quittances contained in the said charter, or any of them, or the same borough and the liberties aforesaid, or any of them, may have been, as it were, forfeited, or, because of abuse or non-claim or in any other manner, have been taken into our hands or the hands of any of our progenitors by the justices last itinerant in the county of Lancaster, or any other justices whomsoever of us or our progenitors in whatsoever time past; nevertheless the same John and his successors, parsons of the said church and lords of the borough aforesaid, may have that borough with all the liberties to a free borough belonging; and also all and singular liberties and quittances in the said charter contained and specified, for themselves and their burgesses of that borough for ever, and for the future may fully enjoy and use them; and also for ever may have all other liberties and free customs which the same John or his predecessors aforesaid for themselves and their burgesses aforesaid have reasonably used and enjoyed in times past in the borough and elsewhere, without let or hindrance of us or our heirs, our justices, executors, sheriffs, bailiffs, or officials, or others whomsoever. We have also granted, for us and our heirs, and by this our charter have confirmed, to the aforesaid John that he and his successors, parsons of that church and lords of the borough aforesaid, for ever, may have a view of Frankpledge<sup>1</sup> of all their men and tenants in the said borough, and the liberty

<sup>1</sup> The view of Frankpledge was the office which a sheriff or the bailiff of a Hundred exercised in their respective courts; hence the cognizance of such pleas as ordinarily came before the greater or lesser Hundred Courts, *e.g.*, wayf, bloodshed, hue and cry, and assize of bread and beer.

thereof, and of others resident therein, with all things belonging or appertaining to a view of this kind : and that the same men, tenants and residents, may be acquitted for ever from the sheriff's tourns, and that they may not be bound to come to the same tourns for the future nor be in any wise compelled thereto ; and that the said John and his successors aforesaid may for ever have cognizance of all pleas by their bailiffs there, as well concerning lands, tenements, and rents, existing within the said borough and the liberty thereof, as concerning transgressions, covenants, contracts, and complaints, within the said borough arising or made ; and also of pleas of assizes concerning tenures within the said borough and the liberty thereof, which shall happen to be arraigned before us and our heirs, and before the justices of us and our heirs assigned to hold the assizes in the county of Lancaster ; and also of pleas *de vetito namio* and other pleas whatsoever there arising ; and that our justices and others whomsoever, before whom pleas of this sort shall be brought, or assizes of this sort shall happen to be arraigned, when the cognizance of those pleas and assizes shall be required on behalf of the aforesaid John, or his successors aforesaid, shall transfer them to them without difficulty, and shall cause the original writs and processes, if any therein shall have been had, to be delivered to them or their bailiffs aforesaid ; and that no burgess of the said borough, or other resident in the same, shall be called upon to plead, or be impleaded, before us or our heirs, or any justices, sheriffs, or officials, of us or our heirs, out of the borough aforesaid, concerning land and tenements which are in that borough, nor concerning transgressions, covenants, contracts, or complaints, arising in the same borough, or concerning any matters arising therein, but all pleas and complaints of this sort which shall happen to be summoned or attached out of, or within, the said borough to be pleaded before us, or our heirs, or our justices of the Bench, or other our justices or officials (*ministris*) whatsoever, whether in the county or elsewhere, shall be pleaded and summoned within the said borough before the bailiffs of the Parson of the said

Church, for the time being, and no others ; and that the same bailiffs shall be able, within the borough aforesaid and the liberty thereof, to levy the fines and amercements, made and adjudged there before them, to the aforesaid John, and his successors aforesaid ; and also to make execution of all things recovered or recognized before them, and of the damages before them adjudged, within the said borough and liberty (*de omnibus coram eis recuperatis sive recognitis et de dampnis coram eis adjudicatis executiones facere possint infra prædictum burgum et libertatem*) without the let or hindrance of anyone whomsoever. And the burgesses of that borough shall not be convicted by persons outside the borough (*forinsecos*), but only by their fellow burgesses, concerning pleas arising within the aforesaid borough, or concerning any things there done or perpetrated, unless those pleas shall affect us or our heirs, or the parson of the said church, or the community of the borough aforesaid. Moreover, for the better and more speedy restraint of the malice of any evil doers that may commit offences within the said borough or the liberty thereof, we have granted, for us and our heirs, and by this our charter have confirmed, to the aforesaid John, and his successors aforesaid, that they, by their stewards or bailiffs, and others by them to this to be deputed, may have powers of inquiring, as often as need shall be, concerning all excesses, oppressions, extortions, conspiracies, confederacies, and other transgressions and grievances whatsoever within the same borough and liberty perpetrated and arising, by virtue of their office, and to hear and determine the same, as well at the suit of the party as otherwise, and therein to make executions according to the law and customs of our kingdom ; and when it shall happen that any persons outside the borough, in cases of this sort, are impeached or indicted by presentments, indictments, or inquisitions, before the sheriffs, justices, or other officials whomsoever, of us or our heirs, concerning malefactions of this sort perpetrated within the said borough or liberty, that they may, without any sort of difficulty immediately after such malefactors of this sort shall have been taken out of the said borough



by the officials of us or our heirs, deliver the presentments, indictments, and inquisitions of this sort, together with the malefactors so taken, to the officials of the said John and his successors, whensoever the officials of us and our heirs shall be thereunto required by the bailiffs of the same John and his successors, to be heard and determined in the court of the said John and his successors aforesaid within the borough aforesaid, so that the sheriffs, justices, or other officials of us or our heirs may not interfere with anything arising within the said borough or liberty thereof, except in the case of felonies; but that the said John and his successors, parsons of the church aforesaid, may have the cognizance of all and singular the above said as fully as we ourselves ought to have, together with the issues, forfeitures, amercements, fines, and redemptions in cases of this sort arising for ever. Moreover, we do will and grant for us and our heirs that the same John and his successors, parsons of the church aforesaid, by their officials aforesaid, may have the power of inquiring as often as need shall be concerning whatsoever felonies are perpetrated within the borough and liberty aforesaid; and of taking, and arresting, and confining there in the prison of the parson aforesaid, felons of this sort, to remain in the same prison until the first delivery of the gaol of us and our heirs at Lancaster, so that the indictment so made upon the felons aforesaid, together with the bodies of the same felons, may then be sent before the Justices of us and our heirs assigned to deliver the gaol aforesaid, and that before them justice may be done therein according to the law and custom of our kingdom. And, nevertheless, that the aforesaid burgesses may be able more freely and quietly to proceed in their merchandizes, we have granted for us and our heirs that the same burgesses, and their heirs and successors resident within the said borough and liberty, may for ever have this liberty, namely, that they or any of them may not be put on any assizes, juries, recognitions, or inquisitions whatsoever, to be taken out of the said borough, whether the juries and inquisitions of this sort shall be taken at the suit of

us or our heirs, or others, or otherwise *ex officio*. And, moreover, whereas there has been a frequent concourse at the said borough, as well of merchants and others, for the sake of trading and otherwise, we have granted for us and our heirs to the said John, that he and his successors, parsons of the church aforesaid, and lords of the borough aforesaid, may for ever within the said borough have a certain seal, by us to be ordained, of two pieces, as is of custom to be used, for recognizances of debts there, according to the form of the statutes published for merchants, and that the greater part of the seal aforesaid may remain in the custody of the Mayor or Keeper of the borough aforesaid for the time being, or other private person of the greater and more discreet men of the said borough to be chosen for this purpose with the assent of the aforesaid John and his successors aforesaid if there shall not be a Mayor or Keeper there, and that the lesser piece of the said seal may remain in the custody of a certain clerk to be deputed by us there for this purpose, according to the form of the statutes aforesaid, and that the said Mayor, or Keeper, or other person who shall have the custody of the greater piece of the seal aforesaid, and the clerk, may for the future receive recognizances of debts there, according to the form of the same statutes; and that . . . . to execution, circumstances so requiring . . . . as heretofore in the like cases respecting recognizances have been usually done by other Mayors, or the like Keepers, and Clerks, elsewhere within our kingdom of England; to which are witnesses the venerable Fathers, J. Wygorn, bishop, our chancellor, W. Wynton, bishop, our treasurer, Edward, Prince of Wales, Duke of Cornwall, and Earl of [Chester], our most dear son, Henry, Earl of Lancaster, Richard, Earl of Arundel, and William, Earl of Huntingdon, John de Gu . . . . Steward of our household, and others; given by our hand at Westminster the 4th day of August, in the 24th year of our reign over England, and in the 11th year of our reign over France."¹

On 28th June, 1351, John de Winwik, clerk, was one of the

¹ Wigan Borough Charters.

commissioners ordered to meet at Newcastle-on-Tyne to treat for peace with Scotland.<sup>1</sup> In July, 1352, the Dean and Chapter of York sent him to the King to announce the death of Archbishop Zouche, and to obtain his license to elect the Archbishop's successor.<sup>2</sup> In the next year we find him successfully claiming his privilege of holding assizes of his tenants in his own courts. An assize came together at Preston, before the Superior Court of the Duke of Lancaster, to try whether Hugh Aleghan of Hyndeleggh, and John, his brother, had unjustly disseised Robert, son of Richard de Ines, of his free tenement in Wigan, namely, of two messuages and six acres of land; with the appurtenances, and the said Hugh and John appeared to defend themselves, but the bailiffs of the liberty of the Parson of Wigan appeared and demanded to hear and determine the suit in the Parson's own Court, and the claim was accordingly allowed.<sup>3</sup> On 2nd April, 1357, and again on 30th January, 1358, being then Treasurer of York, John de Winwick was sent to parliament as one of the representatives of the Chapter.<sup>4</sup> In the same year we find him lodging a complaint in the Duchy Court against certain malefactors for resisting his bailiffs in the performance of their duties within his manor of Wigan; and the Duke issued his mandate to the Sheriff to investigate the charges.<sup>5</sup> It would seem that John de Winwick resigned the Rectory of Wigan in July of the following year, for his successor was presented on the 10th July, 1359. Before his resignation he had procured from the Crown and Duchy the restoration of the patronage of Wigan church to the Langtons. By letters of the Privy Seal, issued on behalf of Sir Robert de Langton, knight, and John de Winwick, parson of the church of Wigan, bearing date on 18th May of that year, it appears that the King having granted to Sir Robert de Langton, knight, and his heirs, the advowson of the church of Wigan,

<sup>1</sup> Rymer's *Fœd.*, vol. iii. p. 225.

<sup>2</sup> *Lancashire Chantries*, by Rev. F. R. Raines, vol. I. p. 94 (Chetham Tract lix).

<sup>3</sup> *Assize Roll's*, Lanc., 27 Edw. III., M. 3, 4, } 5.

<sup>4</sup> *Lancashire Chantries*, by Rev. F. R. Raines, vol. i. p. 94.

<sup>5</sup> Baines' *Hist. Lanc.*, vol. I p. 347.

the Duke of Lancaster, at the request of John de Winwick, clerk, ratifies the King's grant, and releases all right and claim to the advowson of the same church.<sup>1</sup>

It appears from the Chancery Rolls of the Duchy of Lancaster of 1359 that whereas the King had granted to John de Winwick, parson of the church of Wigan, the wardship of the lands and the marriage of William, son of William, son of Richard de Molineux of Sefton, but the right to the wardship was in dispute between the King and Richard, son of William de Molineux of Sefton, an agreement was enrolled in that year between John de Winwick and the said Richard, son of William, to the effect that if the decision should be in favour of Richard de Molineux he should grant to John de Winwick, parson of the church of Wigan, the said wardship and marriage for 100 marks, the said Richard pledging himself by a bond of a rent charge of £100 upon his manors of Sefton, Thorneton, and Dounlytherland, not to alienate any of his possessions so that the whole inheritance of which he was then seized should freely descend to the said William, son of William, as his heir apparent. And it was agreed on the part of John de Winwick, as to the payment of the 100 marks, that £20 thereof should be paid when the deeds were completed and acknowledged before Sir Henry de Haydok, the Duke's Chancellor, and 10 marks in the following August, and also that £40 should be paid to John de Mascy, parson of the church of Sefton, and William de Stanley, to the use of Joane, daughter of the said Richard de Molineux, in aid of her marriage; dated at Walton, near Derby, 33 Edw. III.<sup>2</sup>

This was followed by an enrolment of the bond of Richard de Molineux for John de Winwick, parson of Wigan, and his brother Master Richard de Winwick, parson of the church of Walton.<sup>3</sup>

In the month of October, 1359, John de Winwick being then keeper of the King's privy seal, had the great seal committed to

<sup>1</sup> *Chancery Rolls of the Duchy of Lancaster*; appendix to 32nd Report of Deputy Keeper of Public Records, p. 332.

<sup>2</sup> *Chancery Rolls of the Duchy of Lancaster*; appendix to 32nd Report, p. 346.

<sup>3</sup> *Ibid.*

his custody,<sup>1</sup> but he died within a few months of this time, for on 11th January, 1360, his executors were summoned before the Chapter of York to make reparation for the loss of the great bell belonging to the Minster, which had fallen down and was broken through the neglect of de Winwick and his officers.<sup>2</sup>

He founded a chantry, dedicated to the blessed Virgin Mary, in the church of Huyton, in the county of Lancaster,<sup>3</sup> of which the patronage, after his death, was exercised by his nephew, Richard de Winwick.

On vi Id. (10th) of July, 1359, RICHARD DE LANGTON, clerk, was presented to the parish church of Wigan, then vacant, by Sir Robert Langton, knight, the true patron, and Stephen de Chetaston, Rector of Warrington, was appointed a special commissary for his institution, which took place in the chapel of the said Sir Robert, at Newton, in his presence, and he, the said Richard, made oath that he would pay an annual pension of £20 due to the cathedral of Lichfield by equal portions at Michaelmas and Easter.<sup>4</sup> Richard de Langton was a younger son of Sir Robert de Langton, knight, and is named in an entail of W. fil. H. de Orel, in 1340.<sup>5</sup> His incumbency was of short duration, for on the 4th of September, 1359,

ROBERT DE LOSTOCK, Presbyter, was instituted to the same church, vacant by the resignation of Richard de Langton, the late Rector, on the presentation of Sir Robert de Langton, patron.<sup>6</sup>

On iv Non. (2nd) of January, 1361-2, Sir Robert Lostock resigned the Rectory to the bishop of Coventry and Lichfield, and on the same day

Sir WALTER DE CAMPEDEN was instituted on the presentation of John, Earl of Lancaster, patron for this turn by reason of the

<sup>1</sup> *Rym. Fœd.*, vol. iii. p. 452.

<sup>2</sup> *Ibid.*, p. 95.

<sup>3</sup> Hill's *History of Langton*, p. 19.

<sup>4</sup> *Lancashire Chantries*, p. 93.

<sup>5</sup> *Lichfield Dioc. Reg. Lib.* iv. fol. 6.

<sup>6</sup> *Lichfield Dioc. Reg. Lib.* iv. fol. 6.

minority of Ralph de Langton, kinsman and heir of Robert de Langton. The Rector binds himself to pay £20 a year to the cathedral church of Lichfield.<sup>1</sup>

On the 10th of February, 1366, Campeden obtained a licence from the bishop to absent himself from the church of Wigan for "as long as his lord pleased."<sup>2</sup> He died in 1370.

JAMES DE LANGTON, "*habens tonsuram clericalem*," was presented to the church of Wigan by Ralph de Langton, patron, on the death of Walter de Campeden, late Rector, and he swore, after institution, to pay a pension of £20 a year due to the cathedral. He was instituted at Heywode on ix Kal. (24th) of August, 1370.

In August, 1373, the bishop granted a licence of non-residence to Mr. James de Langton, Rector of Wigan, for one year,<sup>3</sup> and on 11th September, 1374, the licence was renewed for another year on the payment of 5 marks.<sup>4</sup>

In 2 Ric. II. James de Langton, parson of the Church of Wigan, had a charter of *inspeximus* of the charters which had been made to John Maunsell, Robert de Clyderhou, and John de Winwick, dated at Gloucester on 2nd November, 1378; which was again inspected, approved, and confirmed by King Henry IV. in the first year of his reign by charter dated at Westminster on 10th May, 1400. In 1394 he occurs as one of the Trustees enfeoffed by Richard Molineux in his manor of Sefton, and all his other estates.<sup>5</sup>

<sup>1</sup> Lichfield *Dioc. Reg. Lib.* iv. fol. 80. Ralph de Langton, the patron, was the son of John, and grandson and heir of Sir Robert de Langton. He must have been 20 years of age and more at this time, for he was 45 in 1386 (*vide Scrope and Grosvenor Roll*), and he is reported as being 21 years of age and more as the jurors understood at the inquisition taken after the death of his grandfather, Robert de Langton, at Newton, on the Sunday next before the feast of the Purification of St. Mary the Virgin, 36 Edw. III. (30th January, 1362; see Hill's *Hist. of the Parish of Langton*, p. 22). This, however, would not have entitled him to present unless he had proved his age by inquisition.

<sup>2</sup> Lichfield *Dioc. Reg. Lib.* v. fol. 12-16.

<sup>3</sup> Lichfield *Dioc. Reg. Lib.* v. fol. 85b.

<sup>4</sup> *Ibid.*, fol. 30a.

<sup>5</sup> *Inq. Post Mort.*, 21 Ric. II., *Lanc. Inquisitions*, Chetham Tract xcv, p. 70.

## 58 *History of the Church and Manor of Wigan.*

In 4 Hen. IV. when John de Brodeheved, of Wigan, and Emma his wife sued Thomas de Gretherton of Wigan, draper, and Alice his wife for the third part of one messuage and acre of land, with the appurtenances, in Wigan, as the dower of the said Alice, which she had of the dowry of Robert Wade of Wigan, formerly her husband, before the King's Justices of Assize, James de Langton appeared, by his attorney, who produced the letters patent of King Edward III. to John de Winwick, together with the confirmation thereof by the present King, and claimed his right to have cognizance of that plea. The said attorney also stated that, in the King's Court at Lancaster, on the Monday of the 4th week of Lent, he had produced a close writ from the King to his justices at Lancaster, enjoining them to permit the said James de Langton to use and enjoy the liberties contained in the beforementioned charters, bearing date at Lancaster on 6th March, 2 Hen. IV. (1401).<sup>1</sup>

James de Langton, the present Rector, was probably a brother of Ralph de Langton, the Lord of Newton, and patron of the church, though he is not mentioned in the pedigree. He occurs in 1406 as a trustee of the family estates.<sup>2</sup> He obtained another charter

<sup>1</sup> *Plea Rolls, Lanc.*, 2 Hen. IV.

<sup>2</sup> *Chancery Rolls, Lanc.*, 7 Hen. IV., No. 37, being a precept dated 16th June, 1406, to the escheator to give to Henry de Langton, son and heir of Ralph, son of John, son of Robert, son of John de Langton and Alice his wife, and Agnes his wife, livery of his lands, taking security of him for payment of their relief. It was found by inquisition that John de Langton, clerk, by fine levied in 32 Edw. I. gave the manors of Walton in le Dale, Newton, and Langton, with the appurtenances, and the advowson of the church of Wigan, to John, son of Robert de Langton, and his wife Alice, and the heirs of the body of the said Alice by the said John begotten, with remainder to the right heirs of the said Alice, and after the deaths of the said John and Alice the premises descended to Robert, their son and heir, and after his death to John, son and heir of the said Robert, which said John gave to one Lawrence M . . . . chaplain, and his heirs and assigns for ever, 16 messuages, 200 acres of land, 40 acres of meadow, 12 acres of wood, 40 acres of moor, and 200 acres of pasture, parcel of the said manor of Walton, who gave the same to Ralph de Langton and Joan his wife and the heirs of their bodies lawfully begotten, with remainder to the right heirs of the said Ralph, which said Ralph was the son and heir of the aforesaid John, son of Robert, son of John, and to whom the said manors and advowson descended after his

of *inspeximus* from the new King Henry V. in the first year of his reign. On 1st May, 3 Hen. V. (1415) by inquisition taken after the death of Richard de Pemberton, it was found that the said Richard died seised in his demesne as of fee of three messuages in the vill of Wigan, of the clear annual value of 20s., which formerly belonged to Richard Atkinson, and which were held of James de Langton, parson of the church of Wigan, in socage; also of one messuage in the same vill, situate between the messuage of Adam de Berkhed and William de Orrell, and one messuage in the same vill situate between the land of the parson of the said church of Wigan and that of Matthew Russell, and one burgage which lately belonged to John de Kirton in the same vill, which same messuages and burgage were held of the said parson, lord of Wigan, by what service the jurors are ignorant, and they are of the clear annual value of 20s.; also of one toft adjacent to Bickerstath-acre in the same vill, and

father's death, and the said Ralph gave and granted to his son Henry and Agnes his wife 15 messuages, 160 acres of land, 20 acres of meadow, 10 acres of wood, 20 acres of moor, and 100 acres of pasture, parcel of the said manor of Walton, to hold to the said Henry and Agnes, and the heirs of their bodies issuing, with remainder to the right heirs of the said Ralph, and the same Ralph gave to *James de Langton, parson of the church of Wigan*, John de Pilkington, parson of the church of Bury, and Richard de Clipton, parson of the church of Radclif, and their heirs and assigns for ever, the manors and advowson aforesaid (except the premises before granted as above to the said Lawrence and Henry and Agnes), who afterwards released all their right therein to the aforesaid Ralph and his heirs and assigns for ever, and the said Ralph of such estate died siezed (the writ of *Diem clausit extremum* issued after his death was dated 16 April, 1406); the manors of Newton and Langton, together with the manors of Kenyan, Erbury, and the moiety of the manor of Goldburn, which are parcel of the manor of Newton, and the advowson aforesaid, are holden of the King *in capite* as of the Honor of Lancaster, by service of 10s. and suit at the wapentake of West Derby every three weeks; and the manors of Sotheworth, Wigan, Ines near Wigan, Hyndley, Adburgham, Assheton, Pemberton, Billynge, Wynstanley, Haydok, Orrell, Winquik-cum-Hulme, Wolfton, Pulton, Midelton, and Hoghton, with the other moiety of the town of Goldburn, which are parcel of the aforesaid manor of Newton, are holden as of the Duchy of Lancaster by fealty only, and the said manor of Walton is entirely holden of the King as Earl of Lincoln; the aforesaid Henry de Langton is son and heir of the said Ralph de Langton and Joan his wife. (Appendix to the 33rd Report of the Deputy Keeper of Records, p. 6.)



three acres of meadow in the same vill, which were held of the said parson of Wigan by socage, and are of the clear annual value of 12s. He died seised also of other lands in Pemberton, which were held of Henry de Pemberton in socage, and also of certain lands in Pinington. Hugh de Pemberton, son of Thomas, son of the aforesaid Richard, was his heir.<sup>1</sup>

James de Langton died intestate in this same year (1415); indeed, he must have been dead before the above inquisition was taken, for Henry, Hugh, and William de Langton give a fine to administer his goods and chattels, which fine is recorded among those of 2 Hen. V.,<sup>2</sup> and must, therefore, have been made before the 20th of March, 1415, which closes the second year of his reign.

He was succeeded by a certain WILLIAM DE LANGTON, who occurs as parson of Wigan in 1415, and who paid a fine to the King for a writ on 8th March, 1417.<sup>3</sup> William de Langton was probably an illegitimate member of the family, for in 1398 William Langton, a secular, was admitted to consecration at Lichfield, notwithstanding defect of birth.<sup>4</sup>

On Easter Monday 8 Hen. V. (24th March, 1420) there was an enrolment of a Charter of Ralph de Langton, Esq., by which he grants to Thomas, Lord Bishop of Durham, *William de Langton*, parson of the church of Wigan, Henry de Kyghley, Esq., and James de Langton, brother of the said Ralph, the manors of Newton in Makerfield, and Walton-in-le-Dale, and all his other lands, tenements, &c., within the county of Lancaster,

<sup>1</sup> Towneley abstracts of *Lancashire Inquisitions*, Chetham Tract xcv, p. 103.

<sup>2</sup> *Chancery Rolls*, Lanc., 2 Hen. V. No. 15 (appendix to 33rd Report, p. 12). Henry de Langton, the first named of the administrators, will probably have been the intestate's nephew, the Lord of Newton, and William de Langton was probably his successor at Wigan.

<sup>3</sup> *Chancery Rolls*, Lanc., 4 Hen. V. (same appendix, p. 13). No entries of institutions to the Rectory of Wigan occur in the Lichfield *Diocesan Register* after 1370, when James de Langton was admitted, until the year 1457.

<sup>4</sup> Hill's *Hist. of Langton*, p. 20.

together with the advowson of the church of Wigan, to hold to them and their heirs and assigns for ever of the Chief Lords of the fee.<sup>1</sup>

In 1423 it was found by inquisition that Matilda, widow of Sir John Lovell, knight, died seized (*inter alia*) of the manor of Upholland, in the county of Lancaster, which she held of the King *in capite* as of the Duchy of Lancaster; also of the manor of Orrell, holden of Sir Ralph de Langton, knight, in socage; and also of a burgage, with appurtenances in Wigan, holden of William Langton, parson of the church of Wigan.<sup>2</sup> In like manner, in December, 1428, Alice, widow of John le Mascy, was found to have died seized of 8 burgages, 23 acres of land, and 3 acres of meadow, with appurtenances in Wigan, of the inheritance of the said John le Mascy, which she held of William, parson of the church of Wigan.<sup>3</sup>

About this time the Standishes appear to have revived an old claim which their ancestor, William de Standish, had made in the time of King Edward I. to the advowson of the church of Wigan. It was probably with the view of avoiding costly litigation that the question was referred to Alice, wife of John Gerard of Bryn, for her decision in the matter.<sup>4</sup> The following deeds concerning this dispute are preserved among the Standish evidences:<sup>5</sup>

1. A bond of 1,000 marks from Henry de Langton and Ralph de Langton, Esquires, and Sir Thomas Gerard of Bryn, knight, and William de Langton, parson of the church of Wigan, for performance of covenants with Ralph de Standish and Lawrence de Standish, his son, Esquires, and Alexander Standish,

<sup>1</sup> *Chancery Rolls*, Lanc., 7 Hen. V. (*in tergo*) No. 11 (same appendix, p. 23).

<sup>2</sup> *Chancery Rolls*, Lanc., 1 Hen. VI. No. 8 (appendix to 33rd Report, p. 24).

<sup>3</sup> *Ibid.*, 6 Hen. VI. No. 50 (same appendix, p. 29).

<sup>4</sup> According to the Gerard pedigree Alice, wife of John Gerard of Bryn, was the daughter of John Boteler.

<sup>5</sup> Orig. documents of the family of Standish of Standish, contributed by F. Peake, Esq., to *Local Gleanings of Lancashire and Cheshire*, vol. ii. pp. 60, 61.

parson of the church of Standish, concerning the advowson of the church of Wigan, dated 2 Hen. V. (1414-15).

2. Bond in £1,000 between Sir Ralph Langton and Lawrence de Standish, Esquire, in reference to the disputed title to the advowson of Wigan church. Sealed with the ancient arms of Wigan, a church between two tall trees, on the reverse a crowned head, in base a lion couchant between two turrets crenellated, dated 7 Hen. VI. (1428-9).

3. An indenture *tripartite* made 5th Jan. 8 Hen. VI. (1430), reciting a statute merchant from Sir Ralph Langton, knight, to Lawrence de Standish, of £1,000, and another from the said Lawrence to the said Sir Ralph, both to be delivered to Alice, wife of John Gerard of Bryn, the arbitrator chosen by both parties in the affair of the advowson of the church of Wigan, by which they mutually bind themselves to abide by the award of the said Alice.

4. Award of Alice, the wife of John Gerard of Bryn, in the matter in dispute with regard to the church of Wigan, between Sir Ralph Langton, knight, and Lawrence de Standish, Esquire.

After having heard all that was alleged and denied on either side, and having consulted with her counsel learned in the law, both spiritual and temporal, and having considered the claims made by Sir Ralph Langton, knight, on the one side, and those of Lawrence de Standish, Esquire, with Alexander, his son and heir apparent, on the other side, she makes her award as follows:

“ It appears evident from the concurring testimonies of great antiquity that the ancestors of Sir Ralph Langton have enjoyed the advowson from time immemorial, and also the presentation to the said church of Wigan; and that it is a parish church and not a chapel; and there was no proof shown that the said Lawrence de Standish had any right or title to the advowson or to any part thereof. Therefore it is awarded, deemed and ordained that the said Lawrence de Standish should take out a writ of right to the advowson of the said church against Thomas the bishop of Lichfield and Coventry, Sir Ralph Langton, Henry Brightley, and William Langton, parson of the church of Wigan, and James Langton,

returnable before the Justices at Lancaster at the sessions next to be held there or elsewhere within the county of Lancaster, to show his title and have his champion ready. And that the above-named Thomas, Ralph, Henry, William and James, should appear in person or by their sufficient attornies; and that the said Lawrence de Standish should then declare his right upon the same writ to the said advowson or any part thereof, and cease all debate and heaviness upon any pretence. And I, the said Alice, ordain and award that the said Sir Ralph Langton and Alice his wife shall release by fine to the said bishop, Henry, William and James, at the cost of the said Lawrence de Standish, all the lands, tenements, &c., in dispute in the town of Wigan, &c. And the said Ralph shall let or make James Langton, his brother, and George, brother of James, betwixt this and the feast of . . . next ensuing, release to the said bishop, William, and Henry, all their rights, &c., in the said lands. And that within six months after, the said bishop, &c., shall enfeof William, Robert, and James de Standish, William the son of John Gerard, James de Heton, John de Chesehall, Dakin de Standish, John and Thurstan de Standish, Richard de Molyneux, &c., upon condition that they shall enfeof by deed the said Sir Ralph de Langton and his heirs for ever in the same lands and tenements, &c. And within a quarter of a year after the said Sir Ralph is so enfeofed in the said lands, &c., he shall grant by his deed indented to the said Lawrence de Standish and his heirs an annual rent charge of forty shillings, to be taken out of the rents and profits of the said lands, payable by William de Langton, parson of the church of Wigan, at the terms of Michaelmas and Christmas. And that in the said deed a clause or covenant shall be inserted, that if the said Lawrence de Standish, his heirs or assigns, shall make any claim to any right or title in the said advowson or any part thereof in any court of Record, spiritual or temporal, or at any time present any clerk to the said church, or disturb the said Sir Ralph or his heirs in the presentation of any clerk to the said church, or shall disturb any clerk presented by the said Sir Ralph, his heirs or assigns, to be instituted or inducted in the said church, that then the said rent to cease and be determined for ever. With another clause or covenant in the said indenture that the said Sir Ralph may have power to enfeof the said Lawrence de Standish in other lands in the county of Lancaster to the value of the above sum of forty shillings *per annum* in place of the said lands, &c.,

in Wigan ; and that then the said lands, &c., in Wigan shall be free from the said annual rent-charge. And that after the deed of rent-charge is made and delivered to the said Lawrence de Standish by the said Sir Ralph de Langton, within 40 days ensuing the date thereof the said Sir Ralph shall enfeof Edmund Crawford, &c., &c., his heirs and assigns, by deed indented, in the lands and tenements of Newton and Langton, upon condition that the said Edmund, &c., shall enfeof the said Sir Ralph and his heirs for ever in the same lands, &c., within six months of the said enfeofment made by the said Sir Ralph to the said Edmund, &c., and the said Sir Ralph shall deliver one part of the said indentures to the said Lawrence de Standish to keep with him and his heirs for ever. And also that both the said parties shall be sworn upon a book before me, the aforesaid Alice, in the presence of Sir Philip Boteler, Sir Richard Houghton, and Henry de Kyghley, truly and faithfully to hold this award in all points according to the true intent thereof. And if any altercation, case, or variance, full of matter of any circumstance or dependence thereof, amongst the said parties arise, that then the said parties shall be ruled by me the said Alice and my counsel therein until the time that this matter be at an effectual end by the advice of me the said Alice and my said counsel, so that I the said Alice determine this matter before the feast of St. Michael next coming. Dated at Weryngton the Saturday next after the feast of St. Hilary in the 8th year of the reign of King Henry the sixth (1429), in witness whereof I the said Alice have hereto set my seal."

This award does not appear to have been acted upon, for litigation continued to a later date. In the meantime Sir Ralph de Langton died in July, 1331,<sup>1</sup> and John Gerard of Bryn, within a year afterwards. William de Langton also appears to have resigned the benefice about this time, for in 10 Hen. VI. (1431-2) we find him fining with the King as *late* parson of Wygan.<sup>2</sup>

In the same year, 1432, JAMES DE LANGTON, brother of Sir Ralph, occurs as parson of Wigan.<sup>3</sup> He is doubtless the same with the James de Langton, mentioned in the award of Dame

<sup>1</sup> *Chancery Rolls, Lanc.*, 10 Hen. VI. No 91.

<sup>2</sup> *Ibid.*, No. 99.

<sup>3</sup> *Ibid.*, No 113.

Alice Gerard. James de Langton, clerk, occurs in 16 Hen. VI. (1437-8) as one of the executors of the will of Edmund ffriere, Abbot of Vale Royal.<sup>1</sup> And James de Langton, probably the same, was admitted to the prebend of Stotfold, in the cathedral church of Lichfield, on 5th July, 1442.<sup>2</sup>

The litigation with the Standishes was still pending several years later, and had now assumed a different form; for James de Langton, parson of Wigan, makes his petition to the Lord Chancellor with reference to the matter formerly in dispute between the Langtons, on the one part, and Lawrence de Standish and Alexander, his son and heir apparent, on the other, concerning the right of patronage to the church of Wigan, which had been submitted to the arbitration of Alice, late wife of John Gerard of Bryn, by Sir Ralph Langton, knight, and Lawrence de Standish, Esq. "By her award it was deemed that Sir Ralph Langton should grant an annual rent of 40s. out of his lands and tenements to Lawrence, but, because all the lands and tenements of the said Sir Ralph were entailed, a fine and recovery was necessary to secure by law the said rent of 40s. And the said Alice prayed the petitioners, James, brother to Sir Ralph and a feoffee, and the said Lawrence, in order to prevent any bad consequences in the event of her award not being carried into execution, to be bound in a statute merchant<sup>3</sup> of £1,000 to abide by such award as she should give; and, upon the trust and assurance that they had in the said Alice, they delivered to her their obligations of statute merchant, under condition to abide her award in reformation of the payment of the said rent of 40s., without any defeasance of this condition put into writing. After which Alice and Lawrence died before the award was given or reformation of the payment made, and upon her death the said Alexander, who had married Constance, daughter of the

<sup>1</sup> *Chancery Rolls, Lanc.*, 16 Hen. VI. No. 181.

<sup>2</sup> *Le Neve's Fasti.*

<sup>3</sup> A statute merchant was allowed by King Edward I. in favour of people engaged in trade; by which the charging of land was allowed for the payment of debts contracted in trade. The statute was afterwards extended to all debts indiscriminately.

said Alice, seized on the obligation of statute merchant, and took out letters of administration in the name of Oliver de Standish, an infant, his son, and in the name of John Dale, a poor labourer, to administer the goods of the said Lawrence, his father. And notwithstanding that the said Alice had given no award, nor made any reformation in the payment of the annual rent in her lifetime, the said Alexander makes the said Oliver, his son, and John Dale, to sue against the complainant for the said statute merchant, against all right and conscience, at Lancaster, where he has such favour, suretyship, and succour to support him in his wrong. And he has lately got three persons favourable to him sworn at the sessions at Lancaster, there late holden, so that it is like to be perpetual destruction to your said suppliant, without help and favour of your gracious lordship to consider these premises, and thereupon send several writs of *sub pœna* to the said Alexander, Oliver, and John Dale to appear before your lordship in the King's court of chancery, at a certain day by your lordship to be limited, and there furthermore to do and receive as right hath and good conscience at the reverence of God and in way of charity."<sup>1</sup>

There is no date to the copy of the petition from which this is taken, but it was probably made in or about the year 1442, in which year James de Langton, *parson of Wigan*, opposes himself to Alexander Standish, gent., in a plea that he should give up to him a certain deed of statute merchant, which he unjustly detains. James de Langton did not appear to prosecute and he is summoned to be in court on the Wednesday next before the feast of St. Lawrence next coming.<sup>2</sup>

In a later plea of the same year, James de Langton, now described as *late of Wygan, in the county of Lancaster, clerk*, is summoned to answer Oliver Standish and John Dale, the administrators of the goods and chattels of Lawrence Standish,

<sup>1</sup> *Standish Evidences*, as before (*Local Gleanings*, vol. ii. pp. 62, 63).

<sup>2</sup> *Plea Rolls*, Lancast., 20 Hen. VI. No. 4.

otherwise called Lawrence de Standish, who died intestate, as it is said, in a plea that he should pay them £1,000, which he unjustly withholds from them. The aforesaid administrators appeared in person, and said that the aforesaid James had acknowledged his obligation on the Tuesday next after the feast of St. Matthew, 9 Hen. VI. (1430). The aforesaid James also appeared in person, and denied that the said obligation was the deed of him the said James as the administrators supposed, and both parties appealed to a jury of their countrymen. The suit was adjourned from time to time, and was not determined till the 24th of Hen. VI., when a verdict was found for the defendant, James de Langton.<sup>1</sup>

In the meantime James de Langton, who appears to have been a man of dissolute life, was obliged to fly from Wigan, probably for debt, and in the year 20 Hen. VI. the sheriff of Lancaster is ordered to take James de Langton, parson of the church of Wigan, *late of Wigan*, in the county of Lancaster, clerk, as an outlaw.<sup>2</sup> The fact of his being an outlaw will account for his

<sup>1</sup> *Plea Rolls, Lanc.*, 20 Hen. VI.

<sup>2</sup> *Ibid.* By another order of the same year the Sheriff is charged to take Christopher de Langton, late of Goldburne, in the county of Lancaster, gentleman, son of James de Langton, parson of the church of Wigan, late of Wigan, in the same county, clerk; Edward de Langton, late of Adburgham, gentleman, son of the aforesaid James; Edmund de Langton, late of H . . . , in the same county, gentleman, son of the aforesaid James; Oliver de Langton, late of Wigan, gentleman; William de Langton, late of Wigan, gentleman; and many others, chiefly from Wigan and the neighbourhood, including Margaret Holerobyn of Wigan, concubine of the aforesaid James de Langton. The above mentioned Edward de Langton, son of James, was accused of concealing two Wigan men who had committed murder.

The morals of the English people generally, both clergy and laity, were deplorably low at that period, and the numerous ecclesiastical abuses which occurred were rapidly preparing the way for the reformation. But it would be unfair to judge the clergy of those times by the standard of our own. The system of concubinage among the clergy was one of the evil results of a forced celibacy, which had never been willingly received in England. Messrs. Owen and Blakeway, the learned authors of the *History of Shrewsbury* (vol. ii. p. 21), assume that in Saxon times marriage was universally permitted to the parochial clergy and secular canons; they give instances of benefices



non-appearance to prosecute his plea against Alexander de Standish in that year, and for his being then described as *late of Wigan*, when summoned to answer the administrators of the will of Lawrence de Standish.

He appears, however, to have recovered his position in the following year, 21 Hen. VI. (1442-3), in which year Alexander Standish de Standish, gent., is attached to answer James de Langton, *parson of the church of Wigan*, in a plea that he should give up to him a certain writing of obligation of a certain statute merchant, which he unjustly detains from him. On this occasion James appears by his attorney, John de Oxcliff, and says that, whereas on 7th June, 7 Hen. VI. (1429), he delivered to a certain

descending from father to son for many generations, and among them the well-known case of Whalley, in this county, where there were eleven deans in succession inheriting, either lineally from father to son, or collaterally. The church of Rome, indeed, had attempted to put a stop to the marriage of the clergy from an early period, but, as Lord Selborne says, in speaking of the Church of England (*Defence of the Church of England*, p. 36): "It had only been by slow degrees that the requirement of celibacy was imposed upon those of the clergy who were not bound by monastic vows. It was attempted in the time of Dunstan: but Pope Gregory VII. was the first (A.D. 1074) to forbid the people to attend the ministrations of married priests: their sons also were placed under canonical disabilities. In England marriage had been so general among the clergy that Pope Pascal II., writing to archbishop Anselm in A.D. 1100, took notice of that fact, and that 'the greater and better part of the English clergy were clergymen's sons'; for which reason he considered, that (as to them) the observance of the Roman rule must be dispensed with. In a synod held at Westminster under Anselm, two years after the date of this letter (A.D. 1102), canons were first passed forbidding the English married clergy to live with their wives." But long after this, even so late as 1372, it was still common for the clergy to have their domestic homes and families; nor do the bishops seem to have set themselves seriously against it, for in the parliament of that year (46 Edw. III.) the commons pray that the prelates and ordinaries should not be allowed to take sums of money from the clergy for permitting them to keep their concubines openly; and if any of the beneficed clergy and curates should openly keep their concubines for a certain time, for which they are liable to be deprived, and are thereby deprived of their benefices by the ecclesiastical law, and the bishops and ordinaries do not put the law in execution within half a year of the said time, that then such benefices should become void by the law of the land, so that the patrons might again present to them. And if the ordinary who makes the default be himself the patron, that such benefice should lapse to the King to present, and in that case the bishop or ordinary should be bound to accept the person so presented (Rymer, *sub anno*.)

Alice, late wife of John Gerard of Bryn, the said writing of obligation, in which it is contained that Lawrence de Standish is bound to the said James de Langton in the sum of £1,000 sterling; after the said Alice died the said Alexander possessed himself of the said writing, &c.<sup>1</sup> Hence it appears that there were counter suits going on between the said James de Langton and the Standishes—all of which were probably determined by the decision of the 24th of Hen. VI. before mentioned.

I do not find any further mention of James de Langton, and the next Rector that I meet with is

OLIVER DE LANGTON, who, as Rector of Wigan, in 1451, covenanted, for himself and his successors, to pay £20 yearly to the Dean and Chapter of Lichfield.<sup>2</sup> I suppose him, therefore, to have been admitted in that year. The pedigree of the Langtons in Baines's *Lancashire* gives an Oliver de Langton as younger son of that Henry de Langton, Baron of Newton, who died in 7 Hen. V. If this were the present rector, he will have been the brother of his predecessor, James de Langton.

In his time the churchyard of Wigan appears to have been the scene of some battle or civil brawl, in which human blood was shed, for by his letters of 15th March, 1457-8, R[eginald Bouchers], Bishop of Lichfield, issues a commission to Ralph Ducworth, S.T.P., Vicar of Prestecote, and Sir Edward ffarington, Rector of Halsall, to inquire into the facts of the case. He tells them that since he heard that the cemetery of the parish church of Wigan, in his diocese, had been notoriously polluted by violence and the unlawful shedding of human blood, he had interdicted it from ecclesiastical sepulture until full reconciliation should have been made, and desires them to hold a legal inquiry as to the person by whom it had been polluted, and who had been the cause or occasion of it, and return to him a faithful

<sup>1</sup> *Plea Rolls, Lanc.*, 21 Hen. VI.

<sup>2</sup> *Ex inf.* Rev. F. P. Parker, from Lichfield Cathedral Muniment Room.

report of the matter.<sup>1</sup> It is unfortunate that no record of the return has been found in the *Diocesan Register*, for it would probably have recorded matters of interest connected with the History of Wigan. Oliver Langton was still living in 1462-3, when, as parson of the church of Wigan, he appears, by his attorney, against Robert Merik, late of Bedford, in the county of Lancaster, husbandman, and Matthew Astley, late of the same place, yeoman, in a plea for recovery of a debt of six marks, which he claimed from each of them.<sup>2</sup>

After this I meet with no mention of any rector of Wigan till after the close of that century.

JOHN LANGTON will probably have been Rector of Wigan at the beginning of the sixteenth century. All that I know of him is that he died rector of Wigan in 1504.

SIR THOMAS LANGTON was admitted, 9th August, 1504, to the parish church of Wigan, vacant by the death of John Langton, the last rector, on the presentation of James Anderton, William Banastre, Thomas Langton, brother of Gilbert Langton of the Lawe, and William Wodcokke, true patrons for that turn by virtue of the feoffment made to them by Ralph Langton, Esq., deceased, of all his lands and tenements together with the advowson of the said church.<sup>3</sup> The author of the *History of Langton*, informs us that on 6th December of the same year, 20 Hen. VII.,

<sup>1</sup> Lichfield *Dioc. Reg. Commissio ad inquirendum supra pollutionem cemetarii de Wygan. Dat. sub sigillo nostro in manerio nostro de Beaudesert xv<sup>o</sup> die mensis Martii anno Domini mcccclvii<sup>o</sup> et nostre translacionis anno quinto.* Entries concerning the pollution of churches and churchyards are not infrequent in the Lichfield *Diocesan Register*. A commission of inquiry was usually issued with power to interdict the churchyard, if found to be polluted; and to keep it closed until reconciled by an episcopal service. The form may be seen in Maskell's *Ritualia*. This course of treatment is one among many proofs that the churchyard, by virtue of consecration, was wholly under ecclesiastical jurisdiction. The parishioners' rights were contingent, and subject to suspension by interdict, with no remedy at common law (*ex inf.* Bishop Hobhouse).

<sup>2</sup> *Plea Rolls, Lanc.*, 2 Edw. IV. (Lent term).

<sup>3</sup> Lichfield *Diocesan Register*.

Thomas Langton, clerk, rector of Wigan, acquired the custody of the lands held by Joane, widow of Ralph Langton, until the full age of the heir.<sup>1</sup> This rector was probably a brother of Ralph Langton, Baron of Newton, though he is not mentioned in the pedigree. They seem to have been a short-lived family, and he died within two years of this date.

Mr. RICHARD WYOT, S.T.P., was admitted 16th August, 1506, to the parish church of Wigan, vacant by the death of Sir Thomas Langton, by the Reverend Father and Lord Geoffrey, bishop of Coventry and Lichfield, on the presentation of King Henry VII. by reason of the minority of Thomas Langton, son and heir of Ralph Langton, deceased.<sup>2</sup>

Richard Wyot (Wiot or Wyett) had been ordained acolyte 22 Feb., 1493-4, and was Proctor of the University of Cambridge in 1498 and 1501.<sup>3</sup> He was admitted to the prebend of Bishops-hill in the cathedral church of Lichfield, in September, 1506, which he resigned in January, 1508-9, for that of Ruiton in the same church, which latter he held from 10th February, 1508-9,

<sup>1</sup> *History of Langton*, by John Harwood Hill, p. 20. Mr. Hill says that he had the custody of these lands given to him at this date, on the death of the said Joane, but her death at this time must be an assumption on Mr. Hill's part, for she was certainly living after this date. Joane, the widow of Ralph Langton, was the daughter of Sir Christopher Southworth of Samlesbury. She is erroneously called Elizabeth in the pedigree printed in Baines' *History of Lancashire*. Her husband had bequeathed to her the custody of his children, but the wardship of the heir of a military tenant belonged to the King, and it was by the King's grant of 13th May, 1504, 19 Hen. VII., that the widow had custody of the estates, held by knight's service, together with the marriage of the heir (see *Lancashire and Cheshire Wills*, edited by Rev. G. J. Piccope, p. 246, printed for the Chetham Tract li). I presume that she sold her rights (or perhaps only the custody of the lands) to Thomas Langton; after whose death she granted them, on 11th November, 1506, 22 Hen. VII., to Sir Edward Stanley, a younger son of Thomas, first Earl of Derby, popularly known as the hero of Flodden Field, and in consequence of his good services created Lord Monteagle, who eventually married the heir to his own daughter Elizabeth.

<sup>2</sup> *Lichfield Diocesan Register*, Lib. xiii., now in the Chester Diocesan Registry.

<sup>3</sup> *Athena Cantabrigienses*, vol. i. p. 26. He bore for his arms—*per fesse azure and gules, a barnacle argent*.

until within a few weeks of his death.<sup>1</sup> In the meantime he had been collated on 1st September, and admitted on 3rd September, 1507, to a prebend in the collegiate church of Southwell, which he retained till his death in 1522.<sup>2</sup>

By an inquisition taken after the death of Sir Alexander Standish of Standish, knight, on 25th August, 1508, the jury found that the said Alexander died seized of a messuage called Bromley (now called Brimelow, in the township of Wigan), valued at 100s. *per annum*, which he held jointly with his wife Sibilla, who survived him, of Richard Wyot, Rector of Wigan, by the service of 27s. yearly; also of two burgages in Wigan, valued at four marks, which he held of the same Richard Wyot for a rent of 6s. 3d.<sup>3</sup>

It appears from a petition presented to the King by Maister Richard Wyot, clerk, parson of the church of Wigan (the date of which is not given in the roll), that, for a long time past, it had been the use and custom of the town and borough of Wigan, whenever a vacancy in the mayoralty occurred, for the burgesses to elect three of themselves, whose names should be presented to the parson of the church of Wigan, who should appoint one of them to be mayor for the ensuing year.<sup>4</sup>

Mr. Richard Wyot was Master of Corpus Christi College, Cambridge, in 1509, which post he resigned in the following year.<sup>5</sup> He resigned the rectory of Wigan in or before October, 1519, and on 13th November of the same year he was admitted as precentor of York, an office then void by the resignation of Thomas Linacre,<sup>6</sup> who had already succeeded him at Wigan. Dr. Wyot died in July, 1522, and was buried at Southwell, in

<sup>1</sup> Le Neve's *Fasti*.

<sup>2</sup> *Ibid.*

<sup>3</sup> Abstracts of *Inquisitiones post mortem*, Chetham Tract xcix. p. 141.

<sup>4</sup> Duchy of Lancaster *Pleadings*, vol. vi. W. No. 7.

<sup>5</sup> Le Neve's *Fasti*; Cooper's *Athenæ Cantabrigienses*. According to Le Neve he became Master in 1507, but according to Messrs. Cooper he was more probably elected to that office in 1509.

<sup>6</sup> Le Neve's *Fasti*.

accordance with directions given in his will, being at the time of his decease a prebendary of Southwell, prebendary and precentor of York, and rector of Bingham, in the county of Notts.<sup>1</sup> His will was proved on 31st October, 1522.

On 10th October, 1519, THOMAS LYNACRE (or Linacre) Doctor of Medicine, was admitted to the church of Wigan, vacant by the resignation of Mr. Richard Wyott, *Sacrae Theologiae Professoris*, on the presentation of Thomas Langton, Esq.<sup>2</sup>

Linacre was a man of great learning and refinement. Erasmus, the great European scholar, entertained the highest opinion of him, and asks, when writing about his English friends, "What can be more acute, more profound, or more refined than the judgment of Linacre?" Dr. J. N. Johnson, his biographer, goes the length of saying that to Linacre's labours "England stands indebted for the knowledge of the finest language of antiquity and medicine owes its elevation to that rank amongst liberal arts from which it had long been estranged by the ignorance or cupidity of its professors."<sup>3</sup> Linacre was born about the year 1460, at Derby, according to Holinshed, who is followed by Weever and Fuller, but Dr. J. N. Johnson prefers to look upon Canterbury as his birthplace, on the authority of Dr. Caius, the president and early annalist of the College of Physicians founded by Linacre, who describes him as *Cantuariensis*. If not born at Derby, however, as is most probable, there is but little doubt that he was of Derbyshire extraction, being descended from an ancient family who were owners of Linacre, a hamlet or subordinate manor to that of Chesterfield, and the fact of his leaving a benefaction to the town of Derby seems to imply some connection with that locality.

The first instructions he received in Grammar were obtained at the public school in the monastery of Christ Church, at Canterbury. The master at that time was an Augustine monk, named

<sup>1</sup> Le Neve's *Fasti*.

<sup>2</sup> Lichfield *Diocesan Register*.

<sup>3</sup> *Life of Thomas Linacre*, by John Noble Johnson, M.D., edited by Robert Graves, 8vo., 1835.

William Tilly, otherwise called Selling, from the place of his birth, a man of learning and research, who had studied Greek in Italy, where that language had been cultivated for several years. From this master, who is supposed to have been in some way connected with him by birth, and who seems to have taken an affectionate interest in his education, Linacre acquired a taste for a higher class of learning than was usually taught in the English schools. He went up to the University of Oxford in 1480, when he had reached his 21st year (a later age than was customary for the entrance of students to the University in those days), and in 1484 he was elected to a fellowship at All Souls. While at Oxford he is understood to have become the pupil of Cornelio Vitali, an Italian of noble birth, who had been forced to leave his native country, and who is believed to have been the first to give instruction in Greek, not only at the University, but anywhere in England.<sup>1</sup> At this period of his life Linacre is said to have applied himself to the study of Greek, and laid the foundation of that perfection in it which he so amply displayed at a later period of his life, in opposition to the studies which were then sanctioned by the statutes and customs of the place.<sup>2</sup> Here, too, he made the acquaintance of William Grocyn and William Latimer, who shared with him his devotion to the "new learning"; and one of whom, Grocyn, survived to form part, with Linacre himself, of that brilliant circle of Oxford scholars, who excited the admiration of Erasmus.<sup>3</sup> About the year 1485 or 1486 he availed himself of an opportunity that was then presented to him of going into Italy, where he met with great facilities for improving himself in his favourite studies. His former tutor Selling, the prior of Christ Church, Canterbury, being sent by King Henry VII. on an embassy to the court of Rome, offered to take Linacre with him as a friend and companion. Leland says that he was to have occupied a subordinate

<sup>1</sup> Johnson's *Life of Linacre*, p. 13.

<sup>2</sup> *Ibid.*

<sup>3</sup> Dr. Payne's Introduction to Linacre's translation of *Galeni Pergamensis de Temperamentis*, (1881,) p. 7.

position in the embassy, but if so his plans were altered, for they travelled together no further than Bologna, where they fell in with Angelo Politiano, whose friendship Selling had made on a former occasion. To him Linacre was introduced by Selling, who left him at Bologna to profit by the introduction, while he himself proceeded on his mission to Rome. The University of Bologna then held a high rank among the schools of Europe ; but Linacre did not make any long stay there. For after Politian had left it he followed him to Florence, where he became his pupil. These were the days of Leonardo da Vinci and Raphael Sanzio ; and Florence, under the rule of Lorenzo de Medici, was the favoured home of the arts and sciences. The chief instruments in the encouragement of classical learning, at that time, were Politian and Demetrius Chalcondylas, with both of whom Linacre became intimate, and by whom he was introduced to Lorenzo the Great. These two had been jointly appointed tutors to Lorenzo's sons Pietro and Giovanni de Medici, of whom the latter afterwards became Pope under the title of Leo X. The superiority of Linacre's attainments, and the modesty of his demeanour, won for him the approbation of Lorenzo, and procured for him the privilege of being associated with the young princes in their studies, and residing with them as their chosen companion in their hours of relaxation and amusement.

After a residence of more than twelve months at Florence, Linacre proceeded to Rome, in order to avail himself of the superior advantages which the Christian capital afforded to the advanced scholar. Here he was fortunate enough to form a friendship with the famous Hermolaus Barbarus, the friend of Pope Innocent VIII., whose acquaintance he accidentally made in the library of the Vatican. From Barbarus he learned much, and from him he is said to have acquired ideas which considerably influenced his future life and character. The residence of Barbarus was then practically an academy, to which the learned resorted for instruction and gratification, and Linacre became a frequent visitor at his house, and participated in the intellectual



entertainments which were held there. After staying several months at Rome he went to Venice, and here made the valuable acquaintance of the great printer, Aldus Manutius Romanus, who was then engaged in bringing out the *editiones principes* of some of the most important Greek classics, by which he earned the gratitude of scholars, and who afterwards printed some of Linacre's own works.<sup>1</sup> Aldus appears to have treated the English scholar with great kindness, which is acknowledged as a personal favour by his friend Grocyn, in a letter to Aldus, which must have been written shortly after Linacre's return from Italy.<sup>2</sup> This letter was prefixed by Aldus to Linacre's translation of Proclus "*On the Sphere*," printed by him in the year 1499. The book is dedicated to Albertus Pius, Prince of Carpi, and in his dedication Aldus speaks highly of Linacre's scholarship, saying that he "has translated this work with elegance and learning." He also implies that an intimate friendship existed between Linacre and the Prince of Carpi on which account the work, he says, will be the more welcome to his patron. The Aldine *editio princeps* of Aristotle likewise contains an interesting allusion to Linacre, which seems to shew that he had something to do with the editing or correcting of that great work. This second volume, to which the dedication is prefixed, is dated February, 1497, while the first volume is dated in 1495, which is quite reconcileable with the time when Linacre is believed to have been in Venice.<sup>3</sup>

From Venice he went to Padua, then celebrated for its schools of medicine. Here he is said to have taken the degree of Doctor of Medicine, and to have greatly distinguished himself in the disputations that were held in the schools. The tradition of

<sup>1</sup> Aldus, in a dedication to M. Musurus, a learned Greek, prefixed to an edition of Statius, printed by him, speaks of the residence of many strangers in Italy at that time, and says "*Habemus Grocinum Sacerdotem and Thomam Linacrum (Medicum) Britannos; viros undecunque doctissimos, qui diu Florentia, sub Demetrio Chalcondyla, Græcis literis incubuerunt.*" (Lives of Leland, Hearne and Wood, Oxford, 1772, vol. I. p. 7.)

<sup>2</sup> Payne's Introduction as before, p. 9.

<sup>3</sup> *Ibid.*, p. 11.

Linacre's successful disputation at Padua is preserved in a dialogue by Richard Pace, where Grammar and Rhetoric are made to dispute as to the respective merits of Theodore Gaza and Thomas Linacre. Grammar first claims Linacre as her own; Rhetoric contends that he was by right her son, and that Grammar was only the occupation of his leisure moments. On one occasion, says Rhetoric, he condescended to dispute with some Grammarian on certain *minutiæ* connected with the vocative case, but gained a more brilliant victory when he defended his *theses* for graduation at Padua, "*Nam quum in gymnasio Patavino professionis artis medicæ ei (ut nunc moris est) darentur insignia, publice non sine summâ laude disputavit, et seniorum medicorum adversaria argumenta accuratissime refellit.*"<sup>1</sup>

From Padua Linacre turned his steps homewards, passing through Vicenza, Verona, Brescia, Bergamo and Milan. While at Vicenza he attended the lectures of Nicolaus Leonicensus, a celebrated physician and scholar, best known as the author of the earliest treatise on *Syphilis*, but also celebrated for having translated several works of Galen from the Greek, one of which, viz., the treatise "*De motu Musculorum*," was afterwards published by Linacre with some of his own.<sup>2</sup>

His departure from Italy was accompanied by those proofs of friendship which the learned in that age were accustomed to exchange. Dr. J. N. Johnson gives examples of some of the Latin odes that were then addressed to him. On his return to England he seems to have resumed his residence at All Souls' College, Oxford. The English universities used, at this period, to recognize the honours conferred upon their members by foreign academies, and the degree of Doctor of Medicine which he had received at Padua was confirmed to him at Oxford by an act of incorporation immediately after his return home.

It is believed that this incorporation by his own university was followed by a similar act at Cambridge. It has been suggested

<sup>1</sup> Payne's Introduction, p. 12. *Life of Thomas Linacre*, by John Noble Johnson, p. 144 note.

<sup>2</sup> Payne's Introduction, p. 13.

that the cause of his migration to Cambridge may have been one of those visitations of the sweating sickness which overtook the city of Oxford during the reign of King Henry VII. It is known that many Oxford men went to Cambridge to avoid the consequences of it. In 1496, the Cambridge Senate, by a decree, gave leave for certain persons, members of the sister University, to be incorporated amongst them, whenever they should come thither, either during term or vacation, and Linacre may well have been one of those who availed themselves of this act of grace. John Caius, the historian of Cambridge, however, says that he migrated to Cambridge in order to avail himself of the superior reputation and learning of that University.<sup>1</sup> But he does not appear to have stayed there long, for it was certainly at Oxford, in the year 1497, that he made the acquaintance of Erasmus, who became his pupil in Greek, and with whom he formed a friendship which only ended with his life. Among his other pupils may also be mentioned the gentle and amiable Thomas More, afterwards Sir Thomas, the Lord High Chancellor of England. During this period of his career Linacre was actively engaged, with his friend Grocyn and others, in forming at the University a taste for ancient literature. Up to this time the schools were almost entirely in the hands of the different sects of logicians; and it is to the efforts of Linacre and his associates that we may attribute the important reforms that followed, so that they may be considered as the regenerators of the University system.

His translation into Latin of "*The Sphere*" of Proclus was probably the first translation of a Greek author into Latin made by an Englishman. It seems to have been made partly in Italy, and completed or revised during his residence at Oxford, in the interval between his return from that country and his invitation to the King's Court in 1501. There is no record of his having practised medicine at Oxford, and his time there seems to have been fully occupied in teaching Greek and preparing his translations.

<sup>1</sup> Johnson's *Life of Linacre*, p. 154 note.

In the year 1501, Arthur, Prince of Wales, came up to Oxford, and resided for a short time at Magdalen College, under the care of Richard Mayhew, the President. It was settled that, after the marriage contract with the Infanta, Catherine of Arragon, had been completed, the Prince, now in his fifteenth year, should be placed under the charge of a tutor. For this important post Linacre was selected and sent for to London; and Tanner speaks of him as "*præceptor in linguâ Italicâ*" to both Prince Arthur and Princess Catherine. He is also said to have been "*Archiatr,*" or chief medical attendant, of the King.<sup>1</sup> The unsettled state of physic as a science before the revival of learning in the fifteenth century rendered the practice of it rather a necessary accomplishment to the priesthood, with which it was generally united, than a distinct art cultivated on fixed and certain principles. To the ecclesiastics of the Middle Ages degrees in medicine conferred equal privileges with those in their proper faculty; but they gave to the possessor no claim to public confidence or to a remuneration for their services as practitioners.<sup>2</sup> The practice of medicine was in those days chiefly confined to men of no scholastic learning, and was closely allied to the arts of alchemy and necromancy.<sup>3</sup> The fitness and ability of Linacre to discharge the duties of his new appointment had been shewn by his recent translation of the "*Sphere*" of Proclus, the first edition of which he dedicated to his Royal pupil.

<sup>1</sup> Tanner's *Biblio. Brit. Hibernica*, p. 482.

<sup>2</sup> Dr. J. N. Johnson's *Life of Linacre*, p. 163.

<sup>3</sup> Some curious information on this score was given in evidence at Archbishop Grindal's visitation of the college at Manchester in 1571. Nicholas Danayell deposed of his brother-fellow, Sir Edward Holt, who kept an ale-house himself, frequented ale-houses, and was a drunkard, that "he doth minister a dirmatorye in physicke to dyvers, which all do dye after the same; and also he doth let blode and cut vayne of divers, whoe after the same be done they dye; and when he should serve God he runneth about his phisicke and surgerye." (*ex inf.* J. E. Bailey, Esq.) On Linacre's monument in St. Paul's Cathedral it is said of him that he was "*Fraudes dolosque mirè perosus.*" It is highly probable that this bears some reference to the tricks of the medical practitioners, and is intended to distinguish him from the ordinary travelling "physicians" and mountebanks of the day.

The early death of Prince Arthur, on 2nd April, 1502, in the sixteenth year of his age, disappointed the high hopes that were entertained of his future career, and terminated the engagement of Linacre within a year of his accepting it. The loss he thus sustained, however, afforded him greater leisure for the renewal of his own studies, and allowed him to enter upon the practice of his medical profession without interruption from his official duties at Court.

The death of King Henry VII., on 21st April, 1509, and the accession of Henry VIII., which was hailed with joy by the nation, brought with it a change in Linacre's life. His immediate connection with the Court had probably ceased from the death of Prince Arthur, in 1502; for his office of physician to King Henry VII., if he ever really held it, could have been little more than a nominal one, and he had subsequently fallen in that King's estimation on account of the insinuations of Bernard André, an Augustine friar, his rival to the post of tutor to the young prince, who accused him of piracy from an earlier translation of *Proclus*. At the commencement of the new reign Linacre had returned to Oxford, where he read a *shagling* lecture.<sup>1</sup> His talents, and the valuable services he had rendered to the University were now fully recognised, and a laudatory address was made to him, by members of the University, apologising for their past remissness, and thanking him for all he had done for them. The young King Henry VIII., who extended his patronage to the most eminent scholars of the age, and in forming a new Court was not unmindful of those who had held office in the former reign, paid Linacre the compliment of appointing him Physician to His Majesty. In this capacity he enjoyed the King's favour and

<sup>1</sup> Dr. Bliss, in a note in the *Athen. Oxon.* vol. i. p. 43, says that these lectures were "such as were extraordinary, or temporary, allowed either by public authority, common consent, or recommendations." It was a favourite word with Ant. à Wood (the Author of the *Athenæ* and *Fasti Oxon.*), who again uses it of Edmund Crispyne of Oriel College, "lately a *shagling* lecturer of physic, now (1547) one of the proctors of the University." *Fasti Oxon.*, vol. i. p. 126.

confidence, and occupied a high position. His friend Lilly speaks of him as "conspicuous among the chief persons of the Court, in a purple robe and a hood of black silk."<sup>1</sup> The King's palace being then at Bridewell, in the City of London, Linacre seated himself in the same neighbourhood, which was rendered all the more agreeable to him by its vicinity to the precincts of St. Paul's, where Colet, his friend and former companion at Oxford, was now residing as Dean, for at this time they were great allies, though, unhappily, they afterwards quarrelled. By Sir Thomas More, on whom the highest offices of State were about to devolve, he was still retained as preceptor; and More expresses himself, on one occasion, to Colet, as devoting his time to the society of Grocyn, Linacre, and Lilly; the first he calls the master of his life, the second the director of his studies, and the third the dear companion of his affairs.<sup>2</sup> Linacre's reputation as a physician was now at its height, and amongst his patients were Sir Reginald Bray, K.G., the Lord High Treasurer, to whose will he was a subscribing witness in 1503, Cardinal Wolsey, Archbishop Warham, and Richard Fox, Bishop of Winchester. He appears to have kept up a connection with Cambridge, to which he afterwards became a benefactor, and it is probable that he visited it more frequently whilst his friend Erasmus was in residence there. In a letter from the latter to Andreas Ammonius (who was secretary to Henry VIII.), dated at Cambridge iij. Non. Oct. 1511, he incidentally mentions Linacre as being with him at that time. He says that after mass he heard the tramp of horsemen, and being himself engaged in writing he begged Linacre to look out, and was told that Ammonius was leaving.<sup>3</sup>

A strange story has been told of a doubt respecting the truths of Christianity which Linacre is said to have conceived in consequence of his theological studies. The earlier part of his life is reported to have been passed, in common with most of the laity,

<sup>1</sup> Dr. Payne's Introduction, p. 18.

<sup>2</sup> Johnson's *Life of Linacre*, p. 183.

<sup>3</sup> Brewer's Letters and Papers Foreign and Domestic, *temp.* Hen. VIII., vol. i., 285.

in a neglect or total ignorance of the sacred writings ; and when he took up the New Testament for the first time, and came to that part of St. Matthew's Gospel which contains the Lord's Sermon on the Mount, he had no sooner read the command "Swear not at all" than he threw away the book with violence, exclaiming, "either this is not the Gospel or we are not Christians." Fuller, when relating the story, says the speech is capable of "*a charitable sense*, as taxing men's practice so much different from God's precepts."<sup>1</sup> If the story has any foundation of truth this is probably the proper interpretation of it : but the whole statement looks like invention ; and it is rendered unlikely by Linacre's known habits of moderation, and by his many ecclesiastical friendships, which, with the single exception of Dean Colet, were preserved without interruption till his death. This story rests on the sole authority of Sir John Cheke, Professor of Greek at Cambridge, in a letter to Bishop Gardiner, Chancellor of the University, written in 1555, many years after Linacre's decease. And the object seems to have been to flatter Gardiner at the expense of Linacre, whom Cheke may have regarded as a rival Greek scholar.

It is not clear when, or from whom, Linacre received his deacon's orders ; but I should suppose that he was ordained in or before the year 1509 ; for on the 23rd October of that year he was collated by the Primate, Archbishop Warham, to the Rectory of Mersham, in Kent, which, however, he resigned within little more than a month :<sup>2</sup> and on the 14th September of the same year he had been installed prebend of Easton in Gardano in the cathedral church of Wells.<sup>3</sup>

In the following year he was admitted to the vicarage of

<sup>1</sup> *Worthies of Derbyshire*, fol., p. 236.

<sup>2</sup> Dr. J. N. Johnson's *Life of Linacre*, p. 192.

<sup>3</sup> Cooper's *Athena Cantabrigienses*, vol. i. p. 31. According to Dr. J. N. Johnson he received this *stall* in *December*, 1509, but no authority is given. Le Neve's list of the prebends of this *stall* does not commence till 1517.

Hawkhurst, in Kent, on the presentation of the Abbot and Convent of Battel, which he retained until 1524,<sup>1</sup> the year of his death. We can hardly imagine that he was not even in deacon's orders all this time, but there is no record of his ordination, and the church discipline of that date was exceedingly lax.

He appears to have accepted some preferment also in 1515; for Erasmus, in a letter to Ammonius, written from Dover on 10th April of that year, sends his congratulations to Linacre, of whom he says, he had heard something at the archbishop's not without pleasure.<sup>2</sup> And Ammonius, in his reply, dated at London 19th May, 1515, says Linacre has a living; "*sacerdotio auctus est*,"<sup>3</sup> from which, I suppose, we are simply to understand that he had taken the name and position of a clerk or clergyman, for certainly he did not receive his *priest's* orders until some years later.

Sir Thomas More, writing to Erasmus in 1516, tells him that Linacre had been speaking highly of Erasmus, as he heard from some who were present at a supper given by the King, where the praises of Erasmus were sung.<sup>4</sup>

In this year also Erasmus writes to Linacre a letter, dated from St. Omer, on 5th June, 1516, in which he complains of a slight fever which had prevented his sailing, and begs him to send a prescription which had done him good when he was last in London, but which his servant had left at the druggist's. In the same letter he expresses himself anxious to see Linacre's "*Lucubrations*;" and, alluding to his own edition of the New Testament which had just been published in Greek, he says "the New Testament gives such satisfaction to the learned, even among divines, that the unlettered are silent for shame."<sup>5</sup>

In the latter years of his life Linacre devoted himself to the study of theology, of the new views of which he had doubtless heard much from his friend Colet, who had been

<sup>1</sup> Johnson's *Life of Linacre*, p. 192.

<sup>2</sup> Letters and State Papers Foreign and Domestic, vol. i. p. 100.

<sup>3</sup> *Ibid.*, p. 136.

<sup>4</sup> *Ibid.*, p. 430.

<sup>5</sup> *Ibid.*, vol. ii. p. 1534, Appendix.



at Florence during the agitation and enthusiasm excited by the preaching of Savonarola, with which he was deeply impressed. It is probable that the painful disease with which he was afflicted greatly interfered with his practice as a physician, and to this cause may in some measure be attributed his turning himself to the faculty of Divinity. It must be remembered that Law, Physic, and Divinity, the three grave professions as they were called, were in those days more closely united, and physicians were readily admitted to holy orders. It appears, too, from Linacre's dedication of his translation of *Galen* "*de Naturalibus Facultatibus*" to Archbishop Warham, that in devoting himself to the sacred profession he hoped to find more leisure for his literary work. All these causes may have actuated him to seek admission to the priesthood, but it was some time before he was actually ordained to that holy office.

It is clear that Linacre had not given up the practice of his medical profession at this time, for among the King's annual expenses there is, in June, 1516, an entry of £12 10s. for one quarter's wages to Dr. Lunacre;<sup>1</sup> and many similar entries of such payments afterwards occur therein. He was also physician to the Queen at this time.

By the King's letters, under the Privy seal, dated at Windsor, 19th Aug., and by his letters patent of 24th August, 1517,<sup>2</sup> Thomas Linacre, *clerk*, was nominated to a canonry and prebend in the collegiate chapel of St. Stephen, Westminster, in the place of Andreas Ammonius, deceased. By letters patent of 6th March, 1517-8, he was presented to the Church of Hollesworth (Hollsworth) in the county of Devon;<sup>3</sup> and on 7th October, 1518, he became prebendary of South Newbold in York Minster, which he only held for about six months.<sup>4</sup>

<sup>1</sup> Letters and State Papers Foreign and Domestic, vol. ii. p. 1472.

<sup>2</sup> Rymer xij. p. 597; Letters and Papers Foreign and Domestic, vol. ii. p. 1147, No. 3624.

<sup>3</sup> *Pat.* 9, Hen. VIII., p. 1, m. 12.

<sup>4</sup> Willis' *Cathedrals*. His name is not given in Le Neve's *Fasti*.

In a letter from Erasmus to William Latimer, written from Antwerp in 1518, he says that if he had such men as Linacre and Tunstal for his preceptors, not to speak of Latimer himself, he would not wish for an Italian to teach him Greek.<sup>1</sup> There is also extant a letter from Linacre to Budæus (Budé), written from London on 10th June, 1518, in which he tells Budé that he thinks of his past favours with gratitude; of the books he received from him; and his care in revising his "*Lucubrations*." He has sent him some rings (cramp rings) consecrated by the King, as a charm against spasms.<sup>2</sup> In his reply, dated at Paris, on 10th July, Budé acknowledges the receipt of his letter with the rings on 6th July. He had just drawn on his boots for a ride, and would not answer in haste, as it was written in such an elegant style, and he did not like to be outdone. He finds by his letter that Linacre desires to thank him for a copy of his book "*De Asse*," which he had presented to him when he was at Paris in the suite of Queen Mary, and for the services he had rendered to him in overlooking his lately published work. His services were not a gift but a fee to purchase the advocacy of Linacre in England. He cannot regret the time he employed in Linacre's version of "*De Sanitate Tuenda*." He has distributed among the wives of his relatives and friends the eighteen rings of silver and one of gold he received from him, telling them that they were amulets against slander and calumny.<sup>3</sup>

In another letter written from Paris on 9th September of the same year, Budé thanks him for his present, but more for his letter.

<sup>1</sup> Letters and Papers Foreign and Domestic, vol. ii. p. 1219, No. 3910.

<sup>2</sup> *Ibid.* p. 1310, No. 4223. These rings were much sought after. The time for blessing them was Good Friday. Anne Boleyn sent four of them to Peter Vannes and the other Ambassadors who were working the divorce at Rome. Queen Mary blessed hundreds of them, and they were in good request at the Emperor's Court. (*Ex. inf.* J. E. Bailey, Esq.) Guillaume Budé (Budæus) was master of the Court of Requests, and Librarian to King Francis I., and one of the greatest scholars of the age. Linacre had formed his acquaintance at Paris, when he attended King Henry VII. and the Princess Mary to France, at the time of her marriage to King Louis XII.

<sup>3</sup> Letters and Papers Foreign and Domestic, vol. ii. p. 1331, No. 4305.

He knows that he has little leisure for correspondence, admits his excuse, and hopes to be excused, in his turn, for not having written to Linacre. He has been extremely busy with matters very different to his former employments. Lupset has shewn him Linacre's specimen of Galen, of which Budé highly approves. He thinks the French Embassy will be in England at the time Linacre receives this letter; wishes Linacre to let them know that he is intimate with Budé; and commends to his notice Beraldus, in the suite of the Bishop of Paris.<sup>1</sup>

The college of physicians in which Linacre had taken such a lively interest was incorporated by charter of 23rd September, 1518, at the request of John Chamber, Thomas Linacre, and Fernand de Victoria, the King's physicians; Nicholas Halswell, John Francis, and Robert Yaxley, physicians; and Thomas Archbishop of York, chancellor. The college was permitted to acquire lands to the value of £12 yearly; and no person was to be allowed to practice in the medical profession within the city of London, or seven miles round, without the licence of the President and College.<sup>2</sup>

On 29th April, 1519, Linacre became precentor of York,<sup>3</sup> which he resigned in the following November to Dr. Richard Wyot, late Rector of Wigan, after having been himself admitted to the Rectory of Wigan on 10th October of that year.

Up to this time, however, he was not in priest's orders, and he must have held his previous appointments as a deacon, or possibly some of the earlier ones as a layman. It has been conjectured that he received from Pope Leo X., his old school companion and friend, a dispensation from the necessity of passing through the inferior

<sup>1</sup> *Ibid.*, vol. ii. p. 1360, No. 4422. I have given the *date* of this letter from the *Opera Budæi* (as furnished to me by Mr. Chancellor Christie), where it is given in full and dated *postridie natalis divæ Dei parentis*. It probably alludes to a later present and letter of Linacre.

<sup>2</sup> Rymer, vol. xiii. p. 364. Letters and Papers Foreign and Domestic, vol. ii. p. 1367, No. 4450.

<sup>3</sup> Le Neve's *Fasti*.

clerical degrees ; and that this may have been the kindness to which he alludes in the dedication of his translation of Galen's "*De Temperamentis*," in which he refers to some recent and striking proof of the Pontiff's munificence, shared by him in common with others, who had been also his school-fellows at Florence. But, as Dr. Payne says, "if there were any such dispensation, it is more likely that it was one enabling him to hold a benefice, while still a deacon, or perhaps even a layman, since we find that Linacre's first clerical preferment was given him in the year of Henry the Eighth's accession, which must have been that of Linacre's appointment as Court Physician, and it seems highly improbable that his ordination should have taken place almost simultaneously with this appointment." There is no authority for supposing that such a dispensation was given him ; but there is nothing to make it improbable. It was enacted in the Parliament of 3 Hen. VI. (1425) that any one then holding a spiritual benefice should be made a priest within twelve months after the close of the said Parliament, failing which it should be lawful for the patron to make a new presentation, "notwithstanding the plenerte of tyme be vi moneths ;" and for the future, any man, who should have any spiritual benefice, of any man's presentation, must become a priest within twelve months of the time of his induction, subject to the same penalty.<sup>1</sup> This would seem to imply that it was not uncommon at that time for a spiritual benefice to be held by one who was not in priest's orders, and therefore Linacre may well have received a papal dispensation extending the time within which he must necessarily proceed to the order of the priesthood.

The following extract from the Register of Richard Fitz James, Bishop of London from 1506 to 1551, proves that he was ordained to priest's orders on 22nd December, 1520, to which his Rectory of Wigan gave him a title : "*Et a MDXX. 22 Dec. ad dioces. Cov.*

<sup>1</sup> *Rot. Parl.* vol. iv. p. 291.

*et Lich. spectans ordinabatur presbyter ad titulum ecclesiæ suæ de Wigan, cujus Rector extitit."*<sup>1</sup>

He was still acting as King's physician at that time, for there is an entry of the payment of £12 10s. to him for a quarter's wages among the household expenses in 1520.<sup>2</sup>

In March, 1521, Sil[vester de Gigles], Bishop of Worcester, writing from Rome<sup>3</sup> to Pace, says "The Pope will comply with Linacre's wishes, the King's Physician."<sup>4</sup> And on May 7th of the same year Christopher Longolius, writing from Padua to Linacre refers to his generosity when Longolius was in England the previous year.<sup>5</sup>

On 12th May, 1521, Pace writes to Pope Leo X. from London, saying that the Pope has laid him under such a debt of gratitude as he can not even express. He says "Aloysius Gibraelon, my agent at Rome, has told me how promptly your Holiness not only granted to Thomas Linacre, the King's physician, what I had asked, but also added much to lay me under still greater obligations." He can only offer his prayers for the Pope's prosperity. As to the affairs of Luther, he has only proved himself a true ecclesiastic.<sup>6</sup>

On 25th Aug., 1521, Erasmus, writing to Linacre from Bruges, expresses his sorrow on hearing of his declining health; urges him to publish his writings, and not deprive the world of the fruits of many years' labour.<sup>7</sup>

On 8th March, 1522, the King's writ is issued for Thomas Linacre, the King's physician, to have a canonry in St. Stephen's Westminster, *vice* Thos. Waren, deceased;<sup>8</sup> and on 29th November, 1522, Edward Fynch, M.D., has the King's writ for a prebend

<sup>1</sup> Tanner's *Bibliotheca Britannico Hibernica*, p. 482. Wood's *Athenæ*, Ed. Bliss, vol. i. p. 46.

<sup>2</sup> Letters and State Papers Foreign and Domestic, vol. iii. p. 408.

<sup>3</sup> He died at Rome on 16 April, 1521, when Julius de Medicis, a Cardinal, afterwards Pope Clement VII., was made Administrator of the See of Worcester by the Pope's Bull, dated 31 July, 1521, and so continued for about a year.

<sup>4</sup> Letters and State Papers Foreign and Domestic, vol. iii. p. 453.

<sup>5</sup> *Ibid.*, 481.

<sup>6</sup> *Ibid.* 485.

<sup>7</sup> *Ibid.*, 618.

<sup>8</sup> *Ibid.*, 898.

in the collegiate church or chapel of St. Stephen, Westminster, in the place of Dr. Linacre, who has resigned.<sup>1</sup>

It was probably in 1523 that Linacre, in writing to Archbishop Warham, excuses himself for not having dedicated to his Grace, according to his promise, the last volume of his translation of Galen's "*De Naturalibus Facultatibus*." He had been commanded by the King, in the presence of Mr. John Chamber, to dedicate it to his Highness. In this letter he acknowledges himself indebted to the liberality of the Archbishop for the opportunity of devoting himself to letters.<sup>2</sup>

It is clear that he never could have resided at Wigan. Soon after his admission to it he was appointed preceptor to the young Princess Mary, afterwards Queen, to whom he dedicated his "*Grammaticæ Rudimenta*," intended to help her in her studies. Moreover, his duties at Court, as physician to the King and Queen, will have exempted him from residence on his benefice, and made it necessary for him to live in London. The house which he occupied was situated in Knightrider Street, in the parish of St. Benedict, Paul's Wharf. It was distinguished by the name of *The Stone House*, probably from the material of which it was built, which was then rare and costly, and but seldom used for private mansions during the fifteenth and sixteenth centuries. This house he afterwards assigned to the Medical College of his own foundation, retaining a part for the use of himself and his family during his life. The disease from which he suffered was the stone, and to this complaint his constitution at length succumbed after much suffering, the immediate cause of his death being an ulceration of the bladder. He died at his own house, in Knightrider Street, on 20th October, 1524, in the 64th year of his age; and was buried in St. Paul's Cathedral, before the rood of the North door, a spot chosen by himself and expressly specified in his will. His grave was marked by no

<sup>1</sup> *Ibid.*, 1133.

<sup>2</sup> Fuller's *Worthies of England*, ed. of 1840, vol. i. p. 374, where the letter is given in full from the original in Linacre's own handwriting, but it is without date.

memorial until the year 1557, when, after a lapse of 33 years, a comely monument was erected to his memory by Dr. John Caius, then president of the College, with the following inscription on a brass plate :—

*"Thomas Lynacrus, Regis Henrici VIII. medicus, vir & Græcè & Latine atque in re medicâ longe eruditissimus : multos ætate suâ languentes, & qui jam animam desponderant, vitæ restituit : multa Galeni opera in Latinam linguam, mirâ & singulari facundia vertit : egregium opus de emendatâ structurâ Latini sermonis, amicorum rogatu, paulo ante mortem edidit. Medicinæ studiosis Oxoniæ publicas lectiones duas, Cantabrigiæ unam, in perpetuum stabilivit. In hac urbe Collegium Medicorum fieri suâ industriâ curavit, cujus & Præsidentis proximus electus est. Fraudes dolosque mirè perosus : fidus amicis : omnibus ordinibus juxta clarus : aliquot annos antequam obierat Presbyter factus. Plenus annis ex hac vitâ migravit, multum desideratus, Anno Domini 1524, die 20 Octobris.*

*Vivit post funera virtus.*

*Thomæ Lynacro Clarissimo Medico.*

*Johannes Caius posuit, anno 1557."*

This monument remained till the year 1666, when it was destroyed by the great fire of London. Dr. F. N. Johnson gives the following copy of Lynacre's will, which is preserved in the Registry of the Prerogative Court of Canterbury :<sup>1</sup>

"Testament of Thomas Lynacre, Doctor in Medicine.

In the name of God, Amen. The xix<sup>th</sup> day of Juyñ, in the yere of our Lord God a thousande fyve hundred and xxiiij, and the xvj yere of the reigne of Kyng Henry the Eighth, I, Thomas Lynacre, doctour of phesike, being hole of mynde and in good memory, lawde and praying be vnto almighty god, make, ordeyn, and dispoase this my present testament and last will, in manner and fourme following : that is to witt, ffirst, I bequëth and recomende

<sup>1</sup> Bodfield 21, fol. xxxvi. His arms were, *sable, a chevron between 3 escallops argent, on a chief or, as many greyhounds' heads erased of the field.* (Cooper's *Athen. Cantab.*)

my soul vnto Almighty, &c., and my body to be buried within the cathedrall church of Saint Poule, of London, before the rode of North dore there, bitwene the longe forme and the wall directly over agaynst the saide rode. And I bequēth for my buriall there to be had suche convenient sūme of money as shalbe thought by the discrecions of myn executours. Item, I bequēth to the high awter of Saint Benet, where I am pishen, for my tithes forgotten in discharge of my soule and conscience, xij<sup>s</sup> iiij<sup>d</sup>. Item, I bequēth to the high awter of Saint Stephyns, in Walbroke, for my tithes there forgotten in discharge of my soule and conscience, vj<sup>s</sup> viij<sup>d</sup>. Item, I woll that suche due detts as I owe of right or of conscience to any maner psone or persones shall be well and truely contented and paid. Item, I woll that Alice, my suster, shall yerely during hir lyfe have of the londes to be bought for my lectour at Cambridge, syx pounds sterlinge to be paide to hir halfe yerely. And I woll that Joane, my suster, shalhave during hir lyfe fyve pounds sterlinge of the landes to be bought for the said lecto<sup>r</sup>, in like maner and fourme to be paide, or ells the said sūmes to be yerely xceyved of the profits of my lands in Kent or in London, after the discrecions of my Lorde of London [BP Tunstall], Sir Thomas More, knyght, and Maister John Stokesley, Prebendary of Saint Stevyns at Westmynster. Item, I bequēth to Thomas Lynacre, my brother, xl<sup>s</sup>. Item, I bequēth to my two neses, Agnes and Margaret, eche of them a bedde, with all things to it complete, after the discrecions of myn executours, so that Margaret shalhave the better. Item, I bequēth Mr. William Dancaster a fether bed and two Irishe blanketts, with a bolster. Item, I bequēth to John Plumtre these boks, Palax, Thucchiddes, w<sup>t</sup> that that foloweth, Theoder and Apolones, Libanius Declamacions, Theocritas with the coment, Pyndarus with the coment, the coment upon Omer. Item, I woll that my funeralls and burying shall be doon in moderat maner, after the discrecions of myn executours. Item, I bequēth to Richard my serūnt, a blak gowne of iij<sup>s</sup> a yarde, and xl<sup>s</sup> in money, for the good service that he hath doon to me.



Item, I bequēth to eche of John Appulby and Edward Tagge, my serūnts, a blak gowne a pece of iij<sup>s</sup> a yarde and vi<sup>s</sup> viij<sup>d</sup> a pece ; and I woll that all my serūnts and housholde have mete and drynke for a moneth next after my deceffe. Item, I bequēth to my cosyn, Robert Wright of Chester, a doblēt cloth of blak satyn, beyng in the keping of my sister Alice. Item, I bequēth to Richard Wright a black gowne and xx<sup>s</sup> in money. Item, I bequēth to Elizabeth, my mayde serūnt, a blak gowne and hir wages after the rate of xxvj<sup>s</sup> viij<sup>d</sup> by yere. The residue of all my goodes, whatsoever they be after that my detts be paide, my funerall charges doon, and these my legacies and bequets expressed in this my present testament and last Wille fulfilled and perfourmed, I woll shalbe solde by myn executours ; and the money comyng of the sale of the same to be applyed for and towards the pformauns and fulfilling of this my present testament and last Wille. And of this my present testament and last Will I make and ordeyn my Lord Cuthbert, Bishop of London, Sir Thomas More, knyght, and Maister John Stokesley, Prebendary of St. Stevyne at Westmynster, myn executours, desiring and requiring them to substitute and make som honest proctour vnder them, to take the labours aboute the pforming of this my testament ; and the same proctour to be rewarded for his diligence in that behalfe w<sup>t</sup> parte of my goodes, after the discreçons of my said executours. These witnesse, Maister William Dancaster, clerk, William Latymer, clerk, John Wylford, Notary, Richard Hardyng, John Appulby."

The said will was proved on 18th July, 1525. It is remarkable that his brother should have borne the same Christian name as himself, but this was not very unusual.

"The character of Linacre," says Johnson, his biographer, "has been drawn in high but not undeserved terms by those who were best qualified to give an opinion of his merits. It has been questioned whether he was a better Latinist or Grecian, a better grammarian or physician, better as a scholar or as a man for his moral deportment. For his accurate skill

in the Greek and Latin tongues, and in other sciences, as well as in his own profession of medicine, he was esteemed the ornament of his age. By his endeavours Galen speaks better Latin in the translation than he did Greek in the original;<sup>1</sup> and Aristotle shines not more in his Attic than in his Latin garb."<sup>2</sup>

"In private life he had a detestation of everything that was dishonourable; he was a faithful friend, and was valued and beloved by all ranks in life. He showed a remarkable kindness to young students in the medical profession; and those whom he found distinguished for ingenuity, modesty, learning, good manners, or a desire to excel, he assisted with his advice, his interest, and his purse.<sup>3</sup> In short" (to use the words of Dr. Friend) "he was, in his own time, reckoned by the best judges a man of bright genius and a clear understanding, as well as of unusual knowledge in different parts of learning; and his works, which are now extant, will fully satisfy us that he deserved this character. He was one who, both living and dead, by his writings and benefactions, has done great honour not only to his profession but also to his country." Linacre was evidently a lover of nature, and it is reported of him that he first brought into England that prince of flowers, the *damask rose*.<sup>4</sup>

<sup>1</sup> Fuller's *Worthies*.

<sup>2</sup> Letters of Erasmus :—"Tandem apud nos præstare capit Galenus a Linacro versus, qui mihi supra modum placet. Posthac et medicum fieri juvat. Mitto dono libros Galeni operâ Linacri melius Romane loquentes quam antea Græce loquebantur." (*Erasmii Epistola apud Froben*, p. 363.) "Apud Britannos studio Thomæ Linacri sic nuper disertus capit esse Galenus, ut in sua linguâ parum disertus videri possit. Ejusdem operâ sic Latine legitur Aristoteles, ut licet Atticus vix in suo sermone parem habeat gratiam." (*Ibid. Lib. 15, Ep. 17, p. 494.*)

<sup>3</sup> The anonymous editor of Linacre's translation of *Galen de Symptomatibus* gives the following encomium of the translator :—"Linacrus—vir ut utriusque linguæ doctissimus ita reconditarum artium cum primis eruditus: qui studiosos omnes [dum vixerat] ad meliorem illam mentem non modo adhortabatur verum etiam maximis muneribus et fovere et alere solebat ut non immerito tanquam alter Mæcenas doctis hominibus haberetur."

<sup>4</sup> Hasted's *Kent*, vol. iv. p. 743 note.

## 94 *History of the Church and Manor of Wigan.*

The following is a list of his published works as given by Dr. Payne, with the order and dates of their publication :—

1. Translation of *Proclus de Sphæra*. Venice, by Aldus Romanus, 1499; folio.
2. Translation of Galen, *De Sanitate Tuendâ*. Paris, Gulielmus Rubeus, 1517.
3.       "       "       *Methodus Medendi*. Paris, Desiderius Maheu, 1519.
4.       "       "       *De Temperamentis et de inaequali intemperie*. Cambridge, Siberch, 1521; 4to.<sup>1</sup>
5.       "       "       *De Naturalibus Facultatibus*. London, Richard Pynson, 1523; 4to.
6.       "       "       *De Pulsuum Usu, &c.* London, in ædibus pinsonianis sine anno; 4to.
7.       "       "       *De Symptomatum Differentiis; et Causis*. London, Pynson, 1524; 4to.
8. *Rudimenta Grammatices*. London, in ædibus pinsonianis sine anno; 4to.
9. *De Emendatâ Structurâ Latini Sermonis*. London, Pynson, 1524; 4to.

Of these the 2nd and 3rd were dedicated to the King, and the 4th to Pope Leo X.

The Royal College of Physicians in London was founded by Linacre within two years of his death, and endowed by him with his lands in Kent and in London. Of this College he became the first president, and his house in Knight rider Street, which he gave them, was for many years their place of assembly. He is said to have made a charitable donation to the town of

<sup>1</sup> This was probably the first book printed in England in which Greek type was used. It was re-produced at Cambridge in 1881, from Siberch's Cambridge edition of 1521, with an introduction by Joseph Frank Payne, M.D., Fellow of Magdalen College, Oxford, with a portrait of Linacre. The Aldine Edition (*princeps*) of Aristotle makes allusion to Linacre: "*Thomas Anglicus, homo et græce et latine peritissimus præcellens que in doctrinarum omnium disciplinis.*" His own copy, with his autograph, is in New College, Oxford (*ex inf.* J. E. Bailey, Esq.).

Derby;<sup>1</sup> and established and endowed three Medical lectures, two at Oxford, which were eventually appropriated to Merton College, and one in St. John's College, Cambridge. His portrait is in the College of Physicians, and that, or some other portrait of him was engraved by Thorne. Her Majesty the Queen possesses at Windsor a three-quarter portrait painted by Holbein or Matsys, said to be Linacre's. He wears a black dress and cap, a white shirt, and holds a paper in the right hand. As the paper bears the date 1527, doubts have been cast upon the authenticity of the painting. A bust of Linacre, in bronze, by Sir Henry Cheere, is in the library of All Soul's College, Oxford.<sup>2</sup>

There is no record of the next rector's institution in the Diocesan Registry; but Linacre's immediate successor was, doubtless,

NICHOLAS TOWNELEY, who, in 1528-9, as parson of Wigan and chaplain to the Cardinal, petitions the King (in his Court of the Duchy of Lancaster) concerning one Hugh Paige, who had been contumacious. The said Hugh had appeared in the parson's court on the Tuesday before Palm Sunday, 19 Hen. VIII. (31st March, 1528), to defend himself in an action for debt brought against him by one William Paige of Wigan, and on being asked what he had to say in his defence he refused to make any answer, whereupon the bailiff of the court proceeded to give judgment against him. But when the bailiff produced the records used for the purpose, the said Hugh, with "great violence," took them from him, thrust them into "hys hoys," and, taking a staff in his hand, "then standing in the said hous," said that "yf eny of them all came nere hym he shuld brayn them, and then the

<sup>1</sup> The Author of *Athene Cantab.* gives Hutton's *History of Derby* for his authority. The passage from which he quotes is doubtless that given on p. 280,—“Nor did he forget the place of his nativity; for he left an annual benefaction to Derby, yet called Linager's charity.” This passage, however, on which I had trusted (p. 73) as some evidence as to the place of his birth, is not to be relied on; for though there is at Derby a charity called “Linacre's charity” it was founded by George Linacre, by his will dated 27th Sept. 1703 (*vid.* 17th Report of the Charity Commissioners, 1827, p. 17).

<sup>2</sup> *Athene Cantabrigienses*, vol. i. pp. 30, 31.

said Hugh departed." Since which time he has made no answer in the said action. Nicholas Towneley therefore prays the Court to command his appearance before the King's Council to answer the said charge.<sup>1</sup>

This rector was a younger son of Nicholas Towneley (3rd son of John Towneley of Townley, in the county of Lancaster), and brother of Richard Towneley of Royle, in the county of Lancaster. He was chaplain to King Henry VIII.,<sup>2</sup> clerk of the works at the building of Cardinal College, now Christ Church, Oxford,<sup>3</sup> and chaplain to Cardinal Wolsey. He was appointed to the prebend of Dunnington in the cathedral church of York 29th December, 1531,<sup>4</sup> and died in the following year, when his goods were administered by his nephew of the same name.

"Nicholas Towneley, administrator of the goods of Nicholas Towneley, late parson of the church and parish of Wigan (who died at Hampton Court on or about the 10th of November, 24 Hen. VIII., 1532,)" complains that certain corn and hay of the value of £30, lying in the barn at the parsonage at Wigan, the property of the said Nicholas Towneley, deceased, had been unlawfully seized by Geoffrey Sherington, William Hasteley, chaplain, curate of Wigan, and Robert Chatton, who with divers

<sup>1</sup> *Duchy of Lancaster Pleadings*, vol. iv. 20 Hen. VIII. T. No. 4.

<sup>2</sup> *Foster's Pedigrees of Lancashire Families*; *Whittaker's History of Whalley* (ed. of J. G. Nichols and P. A. Lyons), vol. ii. p. 178.

<sup>3</sup> *Whittaker (Ibid.* p. 418, or possibly his editors, for the words are in brackets) says that Nicholas Towneley was Vicar of Rochdale in 1510; and also that he was nephew of Dr. Bernard Towneley, whom he calls Rector of Wigan and Vicar of Felkirk, co. York (giving as a reference *Lanc. MSS.* vol. xxx. p. 26). There is a mistake here somewhere, for Dr. Bernard Towneley was not Rector of Wigan. Perhaps it was Nicholas that was Vicar of Felkirk as well as Rector of Wigan. And if the Vicar of Rochdale in 1510 was the same person he must have resigned Rochdale some years before he was admitted to Wigan, for Sir Gilbert Haydoke was Vicar of Rochdale in 1522. *Whittaker* rightly describes him as the nephew of Sir Bernard Towneley, LL.D., who was 5th son of John Towneley of Towneley, Esq., and brother of Sir Richard Towneley and of Nicholas the father of the Rector of Wigan.

<sup>4</sup> *Le Neve's Fasti*.

other riotous persons, "forcibly and in manner of warr with bowes, staves, clobbes, swerdes, daggers, and other wepens of warre, appareiled and araied, came, menassed, and thretenyd to bete and ill entreate" the said Nicholas, if he meddled with any of the said corn or hay, in consequence of which the said Nicholas, to avoid further strife and variance, was obliged to "forsak the further enterprise and meddlyng" to his "grete losse and hynderaunce." He therefore entreats that an order may be granted commanding the said riotous persons to answer the charges brought against them. On their appearance in court, the said Robert Chatton, Geoffrey Sherington, and William Hasteley, clerk, in answer to the said charges, declare the bill of complaint of Nicholas to be "insufficient in the lawe," inasmuch as the complainant does not allege any certain day when the supposed riot was committed. Robert Chatton denies all the charges, and Geoffrey Sherington and William Hasteley state that when the said complainant came to Wigan, they told him that they had orders from one Mr. Richard Smyth, clerk, parson of the church of Bury and official of the Bishop of Chester, that they should stay the said corn and hay, and, in peaceable manner, without any weapon, they desired the complainant to leave it in the barn until Mr. Smyth had been communicated with ; William Hasteley at the same time giving a quart of wine to the complainant, whom they allege to have departed forthwith in "good manner." The said defendants also state that they were not aware at that time that the said administration had been committed to the complainant, and to their certain knowledge the said corn and hay were still in the parsonage barn.

Nicholas Towneley, in reply to these statements, avers that when he came to the barn, accompanied by Rauf Standisshe, Esquire,<sup>1</sup> and Alexander his son, and some of his servants, he

<sup>1</sup> Ralph Standish of Standish, Esq., had a general pardon from the Crown, 1 Hen. VII., 1485, and died 1538, aged 80. His son and successor, Alexander Standish, Esq., married Ann, daughter of Sir William Molyneux of Sefton, knight, in 1518, and carried on the line.

found the defendants ready with their weapons to maintain possession for the said Richard Smyth, and that he offered to be bound in £40 to Geoffrey Sherington to discharge them for the said corn and hay, if they would allow him peaceably to have the same. But this offer was refused, and Nicholas being enforced to leave, went to the said Smith and obtained a letter from him to William Hasteley, commanding him to let him (the said Nicholas) take possession of the said corn and hay. When, however, three of his servants were sent to the barn for that purpose they were resisted by the defendants, and were obliged to depart with their mission unaccomplished. The complainant therefore prays the court that the said corn and hay may be delivered into his hands forthwith.

In reply to which Robert Chatton, Geoffrey Sherington, and William Hasteley deny every charge brought against them, and declare themselves ready to prove the truth of their statement at the pleasure of the court.<sup>1</sup>

In the Hilary Term 26 Hen. VIII. (1534-5) the same Nicholas Towneley prefers a suit in the same court concerning a parcel of tithe corn of the parish of Wigan, which was let by Nicholas Towneley, clerk, late parson of the parish church of Wigan, to Sir Roger Bradshawe, knight,<sup>2</sup> Richard Molineux of Hawkeley, gent., and Gilbert Holden, gent., for the term of one year for a certain sum of money, to be paid to the said Nicholas Towneley, clerk, or his deputy. The said Nicholas Towneley, clerk, being dead, and Nicholas Towneley having been appointed administrator of his goods, the latter demanded payment of one year's rent of the said tithe from the said Roger, Richard, and Gilbert, and being unable to obtain it from them, prays the court that such may be enforced.<sup>3</sup>

<sup>1</sup> Duchy of Lancaster Pleadings, vol. vi. (No date) T. No. 7.

<sup>2</sup> Sir Roger Bradshaigh, knight, of Haigh, died s.p. and was succeeded by his brother Sir Ralph.

<sup>3</sup> Duchy of Lancaster Pleadings, 26 Hen. VIII. vol. vii. T. No. 1. The arms of Towneley of Towneley are *arg, a fesse sable, three mullets in chief of the second.*

The said Nicholas Towneley, the younger, was the late rector's nephew, being the son and heir apparent of Richard Towneley (of Royle, in the county of Lancaster, *jure uxoris*), and a reader and Bencher of Gray's Inn.

Two years later, in 28 Hen. VIII. is a bill of complaint of (the same) Nicholas Towneley now described as of Gray's Inn. The bill recites that one Nicholas Towneley, clerk, late parson of Wigan, died at Hampton Court 20th November, 23 Hen. VIII.<sup>1</sup> (1531), and that the first mentioned Nicholas was administrator of his goods and chattells, and of matters in controversy between the said Nicholas (deceased) and Sir Thomas Langton, knight, for sundry and divers riots; that whereas the said Sir Thomas hath wrongfully taken from him (complainant) some corn and hay remaining at the parsonage of Wigan, which amounted to the sum of £24, as well as £50 rent due to the said Nicholas (deceased) remaining in the hands of divers gentlemen within the parish of Wigan for their tithes; that the complainant and defendant had submitted themselves, on 16th December, 26 Hen. VIII. (1534), to the judgment of Robert Wroith, King's attorney, who judged that the said Sir Thomas should pay to the said Nicholas, in full satisfaction of all suits, the sum of £40 to be paid by instalments; but that after the death of the said attorney the said Sir Thomas refused to make any further payment; and the said Nicholas (complainant) desires that he may be compelled to pay the same, as well as £100, in which sum Sir Thomas bound himself to pay the amount awarded by the said attorney to the said Nicholas.<sup>2</sup>

<sup>1</sup> This date is erroneous. In a former bill of complaint the date of Nicholas Towneley's death is given as on or about the 10th of November, 24 Hen VIII. (1532), and this is evidently the right year of his death, because he was appointed to a prebend in York Minster on 29th December, 1531.

<sup>2</sup> Duchy of Lancaster Pleadings, 28 Hen. VIII. vol. viii. T. No. 2. In a second bill (of the same date) the same Nicholas Towneley shows that one Edward Molyneux, clerk, deceased, late parson of Sefton, in the county of Lancaster, was indebted to Nicholas Towneley, clerk, parson of Wigan, deceased, to the amount of £13 6s. 8d.,



RICHARD LANGTON, the next rector, who succeeded Nicholas Towneley in 1532, was the second son of Sir Thomas Langton, knight,<sup>1</sup> of Walton in le Dale, the patron of the church. Had he outlived his father he would have become the head of the family and Baron of Newton, for his elder brother Edward Langton died before his father without surviving issue. But Sir Thomas Langton outlived all his sons, and at his death, in 1569, he was succeeded by the son of his younger son Leonard.

Richard Langton, parson of Wigan, died in 1534-5. He was the last of this family who held the rectory of Wigan, of which no less than nine had held it since the advowson first came into the hands of the Langtons, in the reign of King Edward III.<sup>2</sup>

On the 24th of March, 1534-5, SIR RICHARD KYGHLEY, clerk, was instituted to the church of Wigan, vacant by the death of Richard Langton, the last rector, on the presentation of "*egregii viri domini Thome Langton, militis.*" He made oath that he would pay to the Dean and Chapter of Lichfield the annual pension of £20, due to them at the feasts of the Annunciation of St. Mary the Virgin and St. Michael the Archangel, according to ancient custom.<sup>3</sup>

Soon afterwards, namely, by indenture of 8th April, 26 Hen. VIII. (1535), he granted and let to John Ketchyn, of Byshop Hatfeld, in the county of Hertford, gentleman, his church and parsonage of Wigan aforesaid, with all manner of lands, tenements, rents, houses, meadowes, leases, tithes, oblations, emoluments, and all other profits and commodities belonging to the

also of £4 the arrears of an annuity which the said Edward granted to the said complainant. On the death of the said Molyneux, Richard Smyth, clerk, parson of Bury, was appointed administrator to the goods of the said Molyneux, which were worth about 1000 marks; but when the debts were submitted the said Smyth declared the goods to be insufficient to pay them; this was found to be the case, but a certain portion of each debt was to be paid, and notwithstanding repeated promises on the part of the said Richard, the money owing to the said Nicholas still remains unpaid.

<sup>1</sup> Chetham Tract li. p. 247, (Lancashire and Cheshire Wills and Inventories).

<sup>2</sup> Some account of the Langton family, as patrons, will be given in an appendix.

<sup>3</sup> Lichfield Diocesan Register, quoted from *Notitia Cestriensis*, vol. ii. p. 245.

said parsonage, to hold the same from the Feast of the Annunciation for five years, paying to the said Kyghley, or his assigns, £106 13s. 4d.;<sup>1</sup> of which £6 13s. 4d. was the stipend to be paid to the curate who performed the ecclesiastical duties.

The value of the living is thus given in the *Valor Ecclesiasticus*,<sup>2</sup> which was compiled in this same year (1535):

*The Rectory* of Wygan, in the hands of Richard

Kyghley, is worth, in rents and farms, as well

of free tenants as tenants at will in Wigan

aforesaid, yearly - - - - - £25 0 0

Also in the rents of two watermills there, yearly - 3 6 8

In tithes of corn, yearly - - - - - 56 13 4

In tithes of hay, yearly - - - - - 0 13 4

In tithes of lambs, wool, calves, and flax, about - 3 16 8

In oblations, with other small tithes and offerings 18 0 0

In perquisites, together with the profits of markets,  
estimated to produce, one year with another - 3 6 8

The sum total being - - - - - 110 16 8

From thence [are to be deducted],

For the fee of Robert Langton, chief seneschal of

Wigan, yearly - - - - - 4 0 0

For the fee of Robert Hatton, bailiff of Wigan,

yearly - - - - - 4 0 0

For the fee of William Walton, under seneschal

and clerk of the court, yearly - - - - - 1 6 8

The annual pension due to the Cathedral Church

of Lichfield, in the county of Stafford - - 20 0 0

Pence annually due to the Archdeacon of Chester

for synodals and procurations - - - - - 0 16 8

Total [of deductions] - - - - - 30 3 4

Leaving a clear - - - - - 80 13 4

<sup>1</sup> Duchy of Lancaster Pleadings, 31 Hen. VIII., vol. ix. K. No. 3.

<sup>2</sup> Vol. v. p. 220.

We gather from the pleadings in the Duchy Court of 31 Hen. VIII. that Richard Kyghley, being unable to find security for the payment of his first fruits, had been extricated from his difficulties by John Ketchyn, a shrewd and wily lawyer, who made a good living out of church property both at Wigan and elsewhere, and who, jointly with Robert Hatton, a servant of Sir Thomas Langton, became security for him. In consideration of the assistance then rendered Kyghley rashly promised to Ketchyn a lease of his parsonage for as long a time as he should desire, but prevailed upon him in the first instance to accept of a lease for five years.<sup>1</sup> This irregular and foolish engagement not only compromised his own freedom of action but entailed considerable loss upon his successors, and became the source of many subsequent lawsuits; for Ketchyn, being unsatisfied with his five years' lease, insisted upon taking one for thirty-three years; and having found means to satisfy the patron, Sir Thomas Langton, knight, whose consent was necessary to render such a lease valid, he pleaded Kyghley's promise, which he enforced by withholding payment of his rent under the former lease.

His next step was to purchase the first ensuing presentation to the benefice, which he obtained from Sir Thomas Langton on 17th October, 30 Hen. VIII., 1538, being then described as of Hatfield, in the county of Herts, gent.<sup>2</sup> On the termination of the

<sup>1</sup> Duchy of Lancaster Pleadings, 31 Hen. VIII., vol ix. K. No. 3.

<sup>2</sup> Lichfield Diocesan Register. The ancestors of John Ketchyn (whose name is variously written as Ketchyn, Kechyn, Kychyn, and Kitchen) are believed to have been tenants of the Abbot and Convent of Cokersand. Being trained to the study of the law John Ketchyn became supervisor of the Court of Augmentation, London, during its brief existence, and in 35 Hen. VIII., 1543, he purchased the dissolved Abbey of Cokersand, its site and some of its lands. As John Ketchyn, Esquire, he was nominated, on 13th February, 37 Hen. VIII. (1545-6) one of the Commissioners for the county of Lancaster to enquire into the history and value of the chantries, hospitals, colleges, free chapels, gilds, fraternities and brotherhoods, which had been dissolved by Act of Parliament and given into the King's hands, and to make a return therein to the King; his fellow-commissioners being John (Bird), Bishop of Chester, Sir Thomas Holcroft, knight, John Holcroft, Esq., Robert Tatton, Esq., and James Rokeby, Esq. Ketchyn afterwards settled at Pilling Hall, in the parish of Garstang,

original lease, which expired on the 25th of March (the Feast of the Annunciation), 1540, parson Kyghley attempted to re-enter upon his parsonage house and lands, but was resisted by Ketchyn, who insisted upon his right to a new lease.

Parson Kyghley now lodged a bill of complaint in the Duchy Court, in which he recites the lease of 8th April, 1535, whereby he granted and let to John Ketchyn his church and parsonage of Wigan, with all manner of lands, &c., for five years, and states that the said John Ketchyn has proceeded against him concerning a surmised lease supposed to be made, by the said Richard Kyghley, of the said parsonage, for a term of 33 years, which he, the said parson, avows that he never made, neither had the said John paid the two last half-years' rent. The said parson prays that he, the said Ketchyn, may be enforced to pay the same. In answer to this bill, John Ketchyn says that all the matter contained in the surmised bill is only for the arrears of an annual rent of the parsonage of Wigan with the profits of the same, which matter is clearly determinable at the Common Law and not in this court. He therefore demands judgment, but, if compelled to make further answer, he declares that he has pursued no untrue bill against the complainant, but a just bill grounded upon a true lease made to him of the said parsonage plainly proved by "discrete and worshipfull" deponents sworn in this court. He denies being in debt for the arrears of rent, and declares himself ready to answer anything the court may deem right. In answer to this Richard Kyghley declares that John Ketchyn and Oliver Houghton, ever since the Feast of the Annunciation, have kept him out of possession of his said parsonage house. John Ketchyn, in his cross bill of complaint, states that the parsonage of Wigan and the lands appertaining thereto were leased to him for a term of 33 years at a rent of £100, besides £6 13s. 4d. to be paid to the curate of the church, and that

and became member of parliament for the county of Lancaster in the first parliament of Edward VI. (*History of Chantries in the county palatine of Lancaster, Chetham Tract*, lix. pp. 1 & 2 note).

Richard Kyghley, Rauffe Bradshaw, Esq., Robert Kyghley, servant of the said Richard, Rauff Hormeston, gent., William Nayler, James Houghton, and others did reserve and take all the profits of the "Ester boke" of the said benefice, amounting to £30; and further that, by command of the said parson, Rauff Browne of Ince, Hugh Scott, James Sherington, Nicholas Standysse and James Dolphyn, "persons of cruell demeanor, in ryotous and forceable maner, wyth the number of x persons unknownen," entered the glebe lands of the said parsonage, 1st April, 31 Hen. VIII. (1540), and did "forceably and rioutously convert and turne the erthe of the said glebe landys, and dothe yett kepe the possessyon" of the same, driving his beasts and cattle into the common highway. He further asserted that the said Richard Kyghley promised to seal an indenture jointly with the patron and ordinary of the said benefice, by reason of which promise the said Ketchyn made diligent suit to Sir Thomas Langton, knight, the said patron, for the sealing and delivery of the said indenture, to the said orator's "grette labour and charge." Sir Thomas Langton perceiving the parson to be content, sealed the said indenture, but when it was delivered to the said Kyghley that he might seal it as his deed, he refused to do so, and further, the said Richard declared that the said John should no longer enjoy the said lease, but should be "put out from exercising the same." In answer to this Richard Kyghley declares that the defendant's bill is untrue, and denies that he, for the assurance of the said lease, promised to seal an indenture jointly with the patron of the said benefice, or that John Ketchyn, by reason of any such promise, made suit to Sir Thomas Langton, the said patron, for the sealing and delivery of such indenture.

This is followed by another bill of complaint by Richard Kyghley, in which he recapitulates all that he had previously stated, and affirms that he made no promise to seal the said indenture, although importuned to do so by Sir Thomas Langton, John Ketchyn, and Robert Hatton. In answer to this, Sir Thomas Langton, knight, John Ketchyn and Robert Hatton

state that when Sir Thomas Langton presented Richard Kyghley to the benefice of Wigan, it being necessary to obtain sureties for the first fruits, the said Robert Hatton rode to London, and being unable to find any willing to become his security, agreed to take the responsibility upon himself together with John Ketchyn; in consideration of which favour they aver that the complainant promised (as before stated) to give the said John a lease of the said parsonage for as long a term as he desired, but prevailed upon him to accept one for five years in the first instance.<sup>1</sup> A commission was according issued, bearing date 28th November, 32 Hen. VIII., 1540, and directed to Sir William Leylond, knight, Sir Alexander Ratcliff, knight, John Atherton, Esq., and Andrew Barton, Esq., to enquire into the rights of the matter.<sup>2</sup> The commission directed them to examine certain witnesses as to whether Richard Kyghley, parson of Wigan, Thomas Langton, knight, Robert Gardyner, William Bradshagh, and Robert Hatton were at Newton on the Tuesday next after the Feast of the Purification, 30 Hen. VIII. (1538), in the house of one Charles Baxter; also whether the said Sir Thomas commanded his tenants or farmers not to sell any manner of "vytayll" to the servants or friends of the said Kyghley; also whether the said Kyghley, his servants, farmers, tenants or friends had menaced or threatened the said Ketchyn or "otherwyse mysused hym with any suche braggery or ungentyll wordes or fascyon that the said Ketchyn durst not come thorowe the said town of Wigan onles he weyre sayne to ryde with a gretter company of men then hys owne servants." But the real object of the enquiry was to ascertain whether the lease to Kytchen had been actually agreed upon or not.

The Inquisition was held at Wigan on the 21st of April, 32 Hen. VIII. (1541);<sup>3</sup> when the following witnesses were examined,

<sup>1</sup> Duchy of Lancaster Pleadings, 31 Hen. VIII., vol. ix. K. No. 3.

<sup>2</sup> *Ibid.*, 32 Hen. VIII., vol. xxviii. K. No. 1.

<sup>3</sup> King Hen. VII. died on the 21st of April, but the regnal year of Hen. VIII. was not reckoned to begin on that day but on 22nd April. (*Nicolas' Chronology.*)

namely on the part of Richard Kyghley: Charles Baxter of Newton, aged 47, charterer and tenant of Sir Thomas Langton; Hugh Bradshawe of Bykurshawe, aged 36, charterer to the King; Mawd Styrruppe of Manchester, aged 26; Gilbert Hyndley, gentleman, aged 50, charterer to the King; Robert Bolton of Abram, gent., aged 73, charterer to Sir Thomas; Henry Taylear of Wynwycke, aged 40, tenant to the parson of Wynwycke; James Sherington, Mayor of Wigan, aged 42; and Henry Byrom, Esq., aged 37: and, on behalf of John Ketchyn, Sir John Dunstere, priest at Newton Chapel, aged 31; Richard Grene of Wigan, aged 68; Thomas Maddocks, servant to Sir Thomas, aged 50; Rauffe Ryder of Newton, aged 38; Henry Dumbaven of Acton Grange, aged 50; David Pynnyngton of Halghton, aged 50; Richard Domvyle, household servant to Sir Thomas, aged 52; and Robert Lowe, aged 40.

The Inquisition occupied some time; and after the examination of all the witnesses it was ordered by the Chancellor and council that Johanna Domvell and others of the parson's friends should continue at their pleasure in the parsonage until eight days after Christmas; also that the parson of Wigan should occupy, until the Feast of the Nativity of St. John the Baptist, the barns and houses of the said parsonage where his corn and grain is stored, with liberty to thresh and carry away the same, as well as his beasts, cattle, fuel, and other things. It was further ordered that the said Ketchyn should occupy the mansion of the said parsonage until the 15th day after St. Michael the Archangel next coming, reserving two convenient chambers for the lodging of the parson and his servants, and one of the stables for the parson's geldings; that the said Ketchyn and his assigns should take all such corn as he had sown upon the glebe or demesne land of the parson; that the said parson and his assigns should have all other tithe corn and grain belonging to the said parsonage in the great barn of the said parsonage, and also that the said parson should take and have all other tithes and profits until the 15th day after the Feast of St. Michael; and then either party should

stand to such further order therein as by the said Chancellor and council should be considered in that behalf.<sup>1</sup>

It would appear that the contending parties afterwards came to terms; and Richard Kyghley, parson of Wigan, by an indenture bearing date 11th February, 33 Hen. VIII (1542), demised the parsonage of Wigan and all tithes, &c., to the said John Ketchyn for a term of 30 years, at a rent of £100 *per annum*, payable to Kyghley and his successors.<sup>2</sup> But in this lease Kyghley reserved to himself and his successors, parsons of the Church of Wigan, a right of re-entry in case the rent, or any part of it, should be more than 40 days in arrear; and as the parsonage house and lands and the tithes of the several townships were afterwards sub-let by Ketchyn to many different tenants for the remainder of his lease this clause gave rise to various complications and disputes between the subsequent parsons and the respective sub-tenants under Ketchyn's leases.

When Ketchyn had secured his new lease, to which he obtained the consent of the ordinary as well as that of the patron, he re-sold the next presentation to the church to Sir Richard Gresham, knight, citizen and alderman of London, and Thomas White, citizen and merchant-tailor of the same, and their assigns, on the last day of February, 1542-3.<sup>3</sup> He made a lease of a moiety of the tithe corn, hay, hemp, and flax of the township of Billinge, parcel of the parsonage of Wigan, to William Gerrard for a term of 29 years, and a lease of the other moiety to Thomas Gerrard, Esq., for a similar term; and then made over all his own estate and interest in the said parsonage to Sir Thomas Langton.<sup>4</sup>

In the meantime the care of the church was left entirely to the curate, and the affairs of the town became unsettled by reason of the absence of the lord of the manor.

<sup>1</sup> Duchy of Lancaster Pleadings, 32 Hen. VIII., vol. xxviii. K. No. 1.

<sup>2</sup> Duchy of Lancaster Pleadings, 1 Mary, vol vi. S. No. 1.

<sup>3</sup> *Chester Diocesan Register.*

<sup>4</sup> Duchy of Lancaster Pleadings, 1 Mary, vol vi. S. No. 1.



Sir Thomas Langton, who seems to have looked upon himself as the parson's representative, busied himself much with Wigan affairs. From the time of Kyghley's institution he had "laboured hard" to be appointed steward of the manor under the parson with a fee of £4, though as baron of Newton he was in theory his superior lord; and when the parson refused to appoint him he took the office upon himself and, by himself or his deputy, acted as the parson's steward in the manorial courts. In this capacity he made himself obnoxious to the Corporation of Wigan by obstructing them in the exercise of the liberties which they claimed. In 31 Hen. VIII. (1539) a complaint was laid in the Duchy Court by the Mayor and burgesses of the town of Wigan, who say that they were accustomed to elect a Mayor yearly on the Saturday after Michaelmas Day, but that Sir Thomas Langton, knight, and Thomas Gerrard of Brynne, Esq., being confederate with Robert Worseley, Esq., John Ketchyn, gent., John Langtre, Esq., Gilbert Assheton, gent., and others, riotously disturbed the said election, and encouraged the common people to do the same, so that the said Mayor and burgesses were not able to govern the said town, being in peril of their lives, and not daring to attend to their duties; which said gentlemen, together with more than forty other riotous persons armed with "swords, buclers, staves, daggers, and other unlefull wepons," came into the court house of the town when the Mayor and burgesses were electing the said Mayor, and having set themselves on the Bench, Sir Thomas commanded them that they should not elect a Mayor, and Thomas Gerrard said to Rauf Browne, one of the burgesses, "For all your packyng it shall not serve you." When they had departed, however, the election proceeded, and Adam Bankes was chosen to be Mayor. Sir Thomas Langton and his friends on several occasions openly declared that they would not take Bankes for Mayor, which was likely to cause great trouble and disturbance in the said town, but that the Mayor and burgesses with "all theyre wyttes and powers did circumspectly take hede thereof." Again, on the Sunday before the Feast of

the Apostles Simon and Jude, the same gentlemen, with Thomas Hyton and Richard Stanley, and others to the number of 200, armed with warlike weapons, came to Wigan, and there divided themselves into companies to the "grette fere, trouble, and disturbance" of the King's subjects in Wigan; whereupon the Mayor, accompanied by the bailiffs, sergeants, and officers went to the said gentlemen, showed them the King's Charter relating to such unlawful riots, and commanded them to disperse under a penalty of £100; to which command they paid no attention whatever. The Mayor therefore departed, and on his departure Gilbert Asheton exclaimed, "Yf the Meyre come agayne here to give any more commandments he shall have hys hede full of buffetes;" after which, calling all their company together, they went to the church to mass, and from thence to the house of James Hyde, and notwithstanding that the Mayor caused a proclamation to be made at the Market Cross of the said town, they continued the said riot, and went from house to house "facyng and bragg-yng" from 9 o'clock in the morning until 2 o'clock in the afternoon.

"The names of the riotous persons whiche came to Wigan upon the Sondag next afore the fest of the Apostles Simon and Jude."

|                             |                  |
|-----------------------------|------------------|
| Wm. Gerarde, gent.          | John Herte.      |
| Gilbert Assheton, gent.     | Raufe Vance.     |
| Alexander Worseley, gent.   | Raufe Nayler.    |
| Rich. Stanley, gent.        | Henry Gorse.     |
| John Gerarde, jun., gent.   | John Nyghtgale.  |
| Thos. Taliour, gent.        | Adam Whytyll.    |
| Adam Hyndley, gent.         | Thurstan Walshe. |
| Rich. Assheton, gent.       | Raufe Culchett.  |
| Thos. Hyton, gent.          | Wm. Orell.       |
| Geffrey Byrchall.           | James Assheton.  |
| John Byrchall of Pemberton. | James Leche.     |
| Humphrey Nayler.            | Humphr. Locker.  |

|                            |                       |
|----------------------------|-----------------------|
| Robt. Gorse.               | Olyver Legh.          |
| John Byrchall of Assheton. | Hugh Dyke.            |
| Robt. Rasbothom.           | Thos. Grymshagh.      |
| Gawan Atherton.            | Brian Molyneux.       |
| John Sadon.                | Hugh Assheton.        |
| Matth. Byrchall.           | Roger Kylner.         |
| Olyver Orell.              | Raufe Hyndley.        |
| James Whytyll.             | Nich. Lawe.           |
| Thos. Hoghton.             | Huan Lawe.            |
| Oliver Eyes.               | Humphr. Plat.         |
| Roger Hassyldeyne.         | Alex. Worthyngton.    |
| Matth. Plat.               | James Higham.         |
| Robt. Browne.              | Edm. Wynstanley.      |
| Olyver Laythwayt.          | Hugh Wakefelde.       |
| Edw. Plat.                 | Wm. Wynstanley.       |
| Thos. Smythe.              | Arthur Rylance.       |
| Gilbert Hyndley, jun.      | Humphr. Bury.         |
| John Hyndley.              | James Molyneux, jun.  |
| Robt. Lawe.                | Roger Raynford.       |
| Gilbert Lawe.              | Robt. Wynstanley.     |
| Seth Downall.              | Lawrence Fayrclogh.   |
| Raufe Taliour.             | Rich. Mershe.         |
| John Nayler.               | Bryan Fayrhurst.      |
| Peres Wynstanley.          | John Wynstanley, sen. |
| Humphrey Wynstanley.       | Humphr. Orell.        |
| Edm. Bury.                 | Hugh Barton.          |
| Gilbert Ascrofte,          | James Smethurst.      |
| James Lawe, jun.           | Thos. Orell, jun.     |
| Nich. Leche.               | Laur. Cartwryght.     |
| Robt. Straunge.            | John Legh.            |
| John Assheton.             | Roger Fayrbrother.    |
| Robt. Slynehed.            | Robt. Rylance.        |

and others to the number of 200 persons and above. .

“ These be the riotouse persons of Wygan whiche accompanied

theymselſe withe Wm. Gerarde (Gerrard) and his company on the Sonday next afore the feſt of the Apoſtles Symon & Jude."

Robt. Bullocke.

Robt. Barowe.

Gilbert Baron.

Laur. Brokesmowthe.

Gilbert Browkesmowthe.

Rich. Shagh.

A comiſſion from the King, dated 12th November, 31 Hen. VIII. (1539) was given to Edward Earl of Derby, commanding him to hold a court for the purpoſe of enquiring into the ſaid riot; and a court was accordingly held on the following 16th December for the aforeſaid purpoſe, recognizances having been taken that Langton, Gerrard, and others ſhould keep the peace.<sup>1</sup>

In giving his evidence, Sir Thomas Langton acknowledged that parſon Kyghley had made no writing to him of the ſtewardſhip of the manor, but he aſſerted that when he made him parſon of Wigan about 5 years ſince, in that ſame year he had been content that he, the ſaid Sir Thomas, ſhould occupy the poſt of ſteward to the parſon as he had done to others his predeceſſors before. He ſaid "he never knew but that one, as a ſurmiſe may, hath occupied as Mayor of the ſaid town, and in likewiſe a ſurmiſed ſervant hath occupied as his ſervant, and both without any authority to his knowledge." He alſo acknowledged that the ſame parſon (Kyghley) did not command either him or the ſaid Thomas Gerrard, his deputy, to come there (to the ſaid election), but he ſays that he and the ſaid Thomas Gerrard came as in the parſon's right as his ſteward, and in the name of the parſon required and deſired Lawrence Sherington and others, inhabitants of Wigan, to be content to uſe their liberties, according to the grant, for lawful election.

Thomas Gerrard ſaid he believed that the election of the Mayor of Wigan belonged to the parſon of Wigan or his ſteward.

Leland, the Antiquary, whoſe travels throughout the country extended from about 1536 to 1542,<sup>2</sup> thus deſcribes the town of

<sup>1</sup> Duchy of Lancaſter Pleadings, 31 Hen. VIII., vol. xxx. W. No. 2.

<sup>2</sup> Folkard's *Journey round the Reference Library* (Wigan), p. 375.

Wigan at this period: "*Wigan* pavid, as bigge as *Warington* and better buildid. There is one Paroch Chirch amide the Towne, summe Marchauntes, sum Artificers, sum Fermers. Mr. *Bradeshau* hath a place caullid *Hawe* a Myle from *Wigan*; He hath founde moche Canel like se Coole in his Grounde very profitable to hym; and Gerade of Ynse dwellith in that Paroch."<sup>1</sup> The Wigan market at that time appears to have occupied a different position to that which it occupied until within the last few years, for he says "*Dugles Ryver cumming by Wigan Market* goith into the Se by hit self toward Latham."<sup>2</sup> At this time there were but twelve parish churches in Darbyshire (West Derby), but they were large.<sup>3</sup> Richard Kyghley, parson of Wigan, died in the year 1543.<sup>4</sup>

On 8th August, 1543, JOHN HERBERT was presented to the parish church of Wigan, vacant by the death of Richard Kyghley,

<sup>1</sup> Leland's *Itinerary* (vol. vii. fol. 56, by Thomas Hearne), 3rd ed. Oxford, 1769, vol. iii. p. 47.

<sup>2</sup> *Ibid.*, p. 48.

<sup>3</sup> *Ibid.* In speaking of Liverpool he says "*Lyrpole, alias Lyverpoole*, a pavid Towne hath but a Chapel. Walton a iiii Miles of not far from the Se is Paroche Chirche"; and he describes Warrington as a better market than Manchester (*ib.* p. 47).

<sup>4</sup> Kyghley's curate at this time was Sir Rauf Scott. The following names were returned at a visitation, shortly before Kyghley's death, as serving in the parish of Wigan: *D'ns Rad'us Scotte, cur' conduct' per dn'm Ric'um Kyghley, rect'*; *D'ns Henricus grange, stipendarius Rob'ti longton*; *D'ns Hugo Cokson conduct' per Thoma' gerrard armig'um*; *D'ns gilb'tus aspull*. (Piccope's MSS. x. lately altered to xiii.; Raines' MSS. vol. xxii). It will probably have been early in the year 1550 after the death of John Herbert, the next incumbent, that the following names of the Wigan clergy were returned at a visitation held by John [Birde] bishop of Chester; *Mr. . . . D'ns Rad'us Stotte* (Scotte), *D'ns Will'us Astleye*, *D'ns Hugh Cokson cant'*, *D'ns Joannes Gerrard*, *D'ns Gilb'tus aspull*, *Dn's Thomas Barne*, *D'ns Henricus Grange*, *D'ns Mattheus Hye* (Piccope and Raines' MSS. as before). Bishop John Birde, the first bishop of Chester, made his profession of obedience to the archbishop of York in 1542, and was deprived by Queen Mary in 1554. The omission of a rector's name would seem to imply that the benefice was then vacant. Hugh Cokson paid his first fruits on his institution to the Bradshaw Chapel 10th May, 36 Hen. VIII. (1544), of which chapel he was returned as chantry priest in 37 Henry VIII. (1545-6) when the chantries were suppressed and their revenues granted by parliament to the King. He was living and in receipt of a pension in 1553, but it is not likely that he would be described as chantry priest at that time.

the last incumbent, by Thomas White, citizen and merchant-tailor of the city of London,<sup>1</sup> having paid his first-fruits two days before into the Office of First-Fruits and Tenth.<sup>2</sup> He was instituted and admitted by John, bishop of Chester<sup>3</sup> (probably on that or the following day). On 9th August he appointed John Grene and John . . . . to act as his proctors to take possession of the rectory of Wigan.<sup>4</sup>

Shortly afterwards he had a contention with Ralph Bradshagh (or Bradshawe), Esq., then mayor of Wigan, and the burgesses thereof, for possession (*inter alia*) of the deed of John Maunsell, whereby he granted to the town of Wigan her liberties. This appears from a bill of complaint which was laid in the Duchy Court by William Fourde, mayor of Wigan, Adam Banke, Charles Lee and others, burgesses of Wigan, in 38 Hen. VIII. (1546), wherein they state that in the 35th year of the reign of Henry VIII. there was a contention between Ralph Bradshagh, at that time mayor of Wigan, and the burgesses of the same town, of the one part, and John Herbert, clerk, then and yet parson of Wigan, of the other part, concerning certain tithes and deeds relating to the liberties of the town, by one of which deeds John Maunsell, parson of the said town, granted to the burgesses all the rights and liberties of their said town, as they were by King Henry III. granted unto him (the said Maunsell) and to his successors for ever : Maunsell to receive 12 pence from each burgess

<sup>1</sup> Chester Diocesan Register.

<sup>2</sup> Record Society (Lancashire and Cheshire), vol. viii. p. 408.

<sup>3</sup> *Presentatio Joh'is Harbert clerici ad rectoriam ecclesie parochialis de Wygan* } *Presentatus est Johannes Harbert clericus ad ecclesiam parochialem de Wygan Cestrien. Dioc. per mortem naturalem Ric'i Kuyghley clerici ultimi incumbentis ejusdem vacan. ad presentationem Thomæ White civis et mercatoris scissorum civitatis London. (ratione advocacionis et assignationis super hujusmodi factum ut superius patet pro hac unica vice pleno jure spectan.) octavo die mensis Augusti anno domini millesimo quingentesimo quadragesimo tertio ac admissus et institutus est idem Johannes Herbert in eandem ecclesiam parochialem de Wygan cum suis juribus et pertinentiis universis per Reverendum in Christo patrem et dominum dominum Johannem permissione Divina Cestrien. Episcopum . . . die mensis . . . anno domini predicto. (Chester Diocesan Register.)*

<sup>4</sup> Raines' MSS., vol. xxii. being extracts from the Registers of Chester.

yearly: which grant was ratified and confirmed by the bishop and patron of the church of Wigan. Ralph Bradshagh, having the said deed in his possession, refuses to give it up, although repeatedly applied to by the said complainant and others who have been mayors of Wigan before him. Ralph Bradshagh refuses to reply, but demands judgment and the dismissal of the bill.<sup>1</sup>

It is stated that the town and parish of Wigan contained, in 1548, 2,600 "houselynge people."<sup>2</sup>

Sir Thomas Langton, knight, still retained the stewardship of the manor of Wigan, under the new rector, and apparently with no better warrant than before. In or about the year 38 Hen. VIII. (1546) he appointed Edward, Earl of Derby, his deputy, but afterwards refused to pay him the fees; and in 1 Eliz. (1558-9) the Earl of Derby sues him in the Duchy Court for the same. He states that twelve years ago the defendant granted to him the office of the stewardship of Wigan (and Newton) with the profits and advantages to the same belonging, in the same ample manner as William Gerrard, Esq., had had the office before, with a yearly fee of £5 6s. 8d. to be paid half-yearly on Christmas Day and St. John Baptist's day; that he (Lord Derby) appointed Thomas Standish as his deputy for the space of two years; that the said deed (the grant of the office of steward) came into the hands of Sir Thomas Langton, who has withheld the yearly fee for the space of nine years, notwithstanding that both deed and fee have been many times demanded of him. In answer to which Sir Thomas Langton coolly declares that "he made no grant or sufficient deed to the complainant of the office of stewardship" and "that he (Sir Thomas) *was never seized of the said office.*"<sup>3</sup>

John Herbert appears as rector in 1550,<sup>4</sup> but the benefice became vacant by his death<sup>5</sup> early in that year.

<sup>1</sup> *Duchy of Lancaster Pleadings*, vol. xiv. W. No. 4.

<sup>2</sup> *Lancashire Chantryis*, Chetham Tract, lix. p. 67 note (*cf libro B. Duch. Lanc.*)

<sup>3</sup> *Duchy of Lancaster Pleadings*, 1 Eliz. vol. i. D. No. 1.

<sup>4</sup> Raines' *MSS.* (extracts from the Register of Chester) vol. xxii. p. 16.

<sup>5</sup> *Strype's Memorials* (printed Oxford, 1822), vol. iv. p. 260.

In his time the borough of Wigan was again summoned to return two members to serve in the first parliament of King Edward VI. On the first institution of the House of Commons, or at least on the first return of members for boroughs, the four ancient boroughs of Lancashire, namely Lancaster, Preston, Wigan and Liverpool, were required to return two members each, those being the only towns in the county to which writs were addressed for that purpose in 23 Edw. I., 1295.<sup>1</sup> Wigan again returned two members in 35 Edw. I., 1307; after which no writs were addressed to our town to return members until the year 1 Edw. VI., 1547, when Alexander Barlowe, Esq., and Thomas Carne, Esq., were elected burgesses of parliament; since which time Wigan has always been represented.

JOHN STANDISH, D.D., was the next rector. His institution is not recorded in the Diocesan Register, neither does his name occur in the Composition Books as having paid his first-fruits; but Strype gives, amongst a collection of collations, presentations, grants, letters and licences, to men of the church or university in the time of Edward VI., a presentation from the King to the bishop of Chester to admit John Standish, D.D., to the parsonage of Wigan, in his diocese, void by the death of Mr. Herbert, last incumbent; dated March, 1550.<sup>2</sup>

His connection with Wigan was of short duration. He must have resigned, or been deprived of his benefice, within twelve months of his appointment. But his career was a remarkable one, and worth recording in full as an illustration of the history of the times in which he lived. According to Anthony à Wood "John Standish was born of, and descended from, an ancient and genteel family of his name living in Lancashire, and at about

<sup>1</sup> Of the next ensuing parliament of 24 Edw. I. no returns have been found, nor are there full returns extant of that of 28 Edw. I. Members for Wigan do not appear in the somewhat incomplete returns of the parliaments of 29, 30, and 33 Edw. I.; and there are no returns for the county of Lancaster of the parliament held in 34 Edw. I.

<sup>2</sup> Strype's *Memorials*, vol. iv. p. 260.



fifteen years of age, in 1524, he was by the care of his uncle Dr. Henry Standish,<sup>1</sup> bishop of St. Asaph, sent to Brazennose College (Oxford), where making great proficiency in logic (he) was elected scholar or probationer-fellow of Cor. Chr. in January 1528, partly by the endeavours made in his behalf by one Mr. Ed. Standish, fellow of Brazennose (who was either his brother or uncle) and partly by the said doctor. After he was settled in that college he went through the usual classes of logic and philosophy with unwearied industry, became a most noted disputant, took the degrees in arts (and) holy orders, and drudging much in the faculty of divinity proceeded doctor therein, an. 1542, at which time he was one of the fellows of Whyttington college in London; and having a chamber in Brazennose, took commons there when he receded to the university for conversation with men and books."<sup>2</sup> On 3rd December, 1543, he was admitted to the rectory of St. Andrew, Undershaft.<sup>3</sup> "In the time of King Edward VI. he seemed to be a zealous reformer, was then made rector of Wygan in his own country, and took to him a wife, who lived not long with him, for when Queen Mary came to the crown they were separated."<sup>4</sup> He was presented to a stall in Worcester cathedral, 12th July, 1550, and installed 2nd August following.<sup>5</sup>

In June 1552, as one of the King's chaplains, he had a licence to enjoy his prebend in the church of Worcester as though he were resident;<sup>6</sup> and in the same year he had another licence of non-residence granted to him (being then described as a prebendary in the church of Worcester and one of the King's ordinary chaplains), to have the said prebend, being in any other

<sup>1</sup> *Repertorium Ecclesiasticum*, folio, Lond. 1708, vol. i. p. 275. In Wood's *Athena* vol. i. p. 92 note, Henry Standish, bishop of St. Asaph, is said to have been of the ancient family of Standish of *Burgha* in the county of Lancaster (Kennet); and in the text he is said to have left legacies to Ralph Standish, Lord of Standish in Lancashire, his near kinsman, to Agnes Worthington, his sister, and Will. Standish his natural brother.

<sup>2</sup> Wood's *Athenæ Oxonienses*, ed. Bliss (1818), vol. i. p. 235.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Le Neve's *Fasti*.

<sup>6</sup> Strype's *Memorials*, vol. iv. p. 270.

of his promotions; any constitution or Act of Parliament that is or shall be to the contrary notwithstanding; dated at Christ's Church (where the King was then in his progress) 20th August, 1552.<sup>1</sup> Le Neve gives the date of (Dr. Leonard Pollard) his successor's installation to this prebend as 11th August, 1551, and Standish's name does not occur again as holding the stall, so that it would seem as if the Royal licences took no effect. As John Standish, S. T. P., he was admitted archdeacon of Colchester 10th January, 1552-3, at the presentation of Sir Edward North, knight, but his institution was obliterated a few days afterwards, and Hugh Weston, S.T.P., Dean of Westminster, was collated to the archdeaconry 22nd January, 1553-4 "*per subductionem et obliterationem actus institutionis Standish.*"<sup>2</sup> From this it would appear that, whether in view of prospective changes when Princess Mary should accede to the throne or moved by other domestic causes, the reforming zeal of Standish was now on the wane. At any rate when Queen Mary came to the throne Standish was made vicar of Northall, 29th June, 1554; of which he seems to have been shortly afterwards deprived because he was a married man.<sup>3</sup> It was, perhaps, at this time that he put away his wife, and bishop Bonner, for his affections to popery, collated him the same year to the rectory of Packlesham in Essex.<sup>4</sup>

He does not seem to have prospered altogether even in Queen Mary's time, for at the metropolitanical visitation of the diocese of Lincoln by the Cardinal Archbishop Pole in 1556, amongst the matters detected and exposed by John [White], bishop of Lincoln, were the following concerning John Standish, who appears to have been rector of Medbourne, in the county of Leicester, at that time: "*Medburne Mansum. Mansum rectorie patitur maximam ruinam. Fama publica est, quod rector ibidem Dominus*

<sup>1</sup> Strype's *Memorials*, vol. iv. p. 272.

<sup>2</sup> Le Neve's *Fasti*.

<sup>3</sup> Wood's *Athene*. The Author is rather involved in this part of his account; but the true version is probably as I have stated it.

<sup>4</sup> *Ibid.*

*Johannes Standish, qui trahit moram Leicestrje, est Symoniace promotus. Dominus Le Scrope, sive Dominus Le Conias, sunt patroni. Unde Dominus vocand. decrevit. Necdum comparuit. Ideo Dominus decrevit ultiozem processum. Et causa commissa est commissario Leic.*<sup>1</sup>

Dr. Standish was admitted to the stall of Ealdland in St. Paul's Cathedral on 21st October, 1557, but was deprived soon afterwards and succeeded by Robert Willanton in 1557 or 1558, while Queen Mary was yet living; from which it may be inferred, perhaps, that he was again preparing for a change. Willanton was succeeded by Dr. John Morwen in July, 1558 (5 and 6 Phil. and Mary); after whom Standish was restored by Queen Elizabeth, and died possessed of it in 1570.<sup>2</sup> In the meantime he had not altogether broken with Bishop Bonner, for on 15th October, 1558, shortly before the death of Queen Mary, being then styled prebendary of Ealdland, he was re-instated by bishop Bonner in the archdeaconry of Colchester, of which he was soon afterwards deprived again, on the accession of Queen Elizabeth to the throne, and John Pulleyne was admitted 13th December, 1559, "*ad presentationem Reginæ*."<sup>3</sup> He was evidently a regular time-server, and changed his views with the changes in the times. In the beginning of Queen Mary's reign he was very zealous in his endeavours to destroy the copies of the Bible which had been translated into the English language in the time of King Edward VI. and before. He bestirred himself so much in this matter that he found means to have it proposed in parliament that all such Bibles should be prohibited and burned. "This," says à Wood, "being very displeasing to many made him hateful in their eyes."<sup>4</sup>

<sup>1</sup> Styrpe's *Memorials*, vol. vi. p. 403.

<sup>2</sup> Le Neve's *Fasti*.

<sup>3</sup> *Ibid.*

<sup>4</sup> Wood's *Athenæ*. J. Bale (in *lib. de Scriptoribus Mag., Britan.* p. 111, *int. cent.* 12 and 13) speaks of him as one "*quem magna pars populi pro morione et scurrâ tenebat*"; and he afterwards calls him "*bestia*" and "*impostor*." Another writer (if indeed he be not the same) speaks of him as: "Dr. Inkpot, and a blinking coxcomb,

Dr. Standish's known works, as given in Bohn's edition of Lowndes' manual, compared with the catalogue at the British Museum, were :

(1) *A lytle Treatise composyd by Johā Standysshe one of the Fellowes of Whyttington Colledge in London, againste the Protestacion of Robert Barnes at the Time of his deth.* London in *Ædibus Rob. Redmain*, 1540, 8vo. The said Robert Barnes was burned at Smithfield, 3 July, 32 Hen. VIII., 1540.<sup>1</sup>

(2) *A discourse wherein is debated whether it be expedient that the Scripture should be in English for al men to reade that wyll.* This was first printed by Caley in 1554, and the 2nd edition with additions, by the same printer, Feb. 8, 1555, in Bodl., 8vo. d. 28. Th. Seld.; and in Brit. Mus. This book is spoken of, in the catalogue of books in the British Museum printed before 1640, as having the author's initials subscribed at the end of the text. On the reverse of the same leaf is "A Prayer" in verse, the first letters of each line forming the words John Standish, Author.

who married against his conscience (as he saith), more fit to be made a riding fool than chaplain to a king." The expression occurs in an epistle to the reader prefixed to an edition of Stephen Gardiner's work : "*De Verâ Obedientiâ* ; an Oration made in Latine by the ryghte Reverend fater in God Stephan B. of Winchestre . . . with the preface of E. Boner. . . . B. of London, touching true Obedience . . . translated into English and printed by Michal Wood ; with the preface and conclusion of the traunslatour, Roane (Rouen) xxv of Octobre, 1553." 8vo. G. 11993 (3) in Brit. Mus. The editor of the catalogue of Books in Brit. Mus., printed before 1640, calls M. Wood a *pseudonym*, and attributes the authorship of another book, printed in his name (Admonishion to the Bisshopes of Winchester, London and others) at Roane in 1553, to J. Bale, Bishop of Ossory. If this be so the Oration may also have been published by him. This, being the language of the zealous reformers, incited one of another opinion, who was after them in time, to characterize Standish as "*vir doctrinâ, pietatē, fidē et divinâ gloria zelo conspicuus.*" (*Jō. Pits. de illustr. Angl. Script. æt.* 16, num. 1001).

<sup>1</sup> Soon after came out a confutation of the said little treatise, entitled : *A confutation of that treatise which one John Standish made agaynst the Protestation of D. Barnes in the year MDXL., wherein the holy Scriptures (perverted and wrested in his said treatise) are restored to their owne true understanding agayne* by Myles Coverdale, 8vo., London, in *Ædibus Elisabeth Pickerynge*, 8vo., in Bodl. c. 46. Th. Seld. and in Brit. Mus.

The following extracts from this tract are curious as coming from the pen of one who had been a reformer, and as giving a character of Queen Mary very different from those we generally meet with :

"Thankes be to Jesus Christe that by hys onelye myght and power, when it was paste all man's helpe, hathe delivered us from the devyll and the bondage of Pharao, and brought us furthe of darkenes of scismes and heresies into the cleere lighte of trueth agayne by sendynge us owre blessed queene Marye (even another Helena to brynge agayne the holye crosse) whiche even from her infancie hathe sticked faste and cleveld surelye unto the sounde pyller of trueth (the Catholyke church) whyche wyll never faile, she hath ever defended it to the uttermoste of her power. Lorde graunte her joyfull deliveraunce of her most comfortable burthen. If among the heathen people the princes ever have ben greatly praised for vertue, how highly then is she worthy to be extolled above other for soo plentyfull and soo manifolde kindes of vertue and giftes of grace? whiche doth not only excel in godlynesse, in devotion, in praier, in fasting, in abstinēce, in humilitie, in charitie, in mercie, in pitie, in compassion, in discrecion, in knowledge, in wysedome, in excellencie of witte, beinge of no small studie in godly literature, but being of exquisite learninge, of profounde knowledge, and of exact judgement ; beside notable diligence and great painfulness, even frō her childholde (as it is evidently seen) in her most godly innated zeale that she beareth styll moste earnest towarde the unitie and fayeth of Chryste's true religion, and towarde the chiefe head thereof under Chryst whyche by y<sup>e</sup> space of these xx yeares ever tyll shee came, was banished thys realm, through scisme and heresye, through covetousnes and letcherie. Lord be merciful unto us." Sign. B. 3.

The pious ejaculation at the end of this extract is not a little ridiculous to a modern reader, particularly when he hears that Standish turned reformer to marry a wife, and then became a papist to get rid of her again.<sup>1</sup>

(3) *The Triall of the Supremacy, wherein is set forth ye Vnitie of Christes Church, &c.* London, by Thomas Marshe, 1556, 8vo. Dedicated to Cardinal Pole.

<sup>1</sup> Wood's *Athena*.

Whether the rectory of Wigan became vacant by the resignation or deprivation of Standish in 1551 I am unable to say.

RICHARD SMYTH, the next rector, paid his first-fruits on 11th February, 5 Edw. VI., 1551.<sup>1</sup> The parsonage, tithes, and other revenues were then in the seizin of those who held as sub-tenants under Kyghley's lease, the parsonage being at this time in the occupation of Sir Thomas Langton as sub-lessee of Ketchyn, and the tithes of Billinge in the hands of William Gerrard and John Winstanley. The rector, however, had a right of re-entry in the event of the covenanted rent being more than 40 days in arrear, and Smyth took advantage of Sir Thomas Langton's default to enter into possession of his mansion on 4th May, 1551. Whether he retained it during the time of his incumbency, or whether, as is probable, he came to terms with Sir Thomas and allowed him to hold it for the remainder of the lease, is not clear. I should, however, suppose him to have been a non-resident rector from the fact that in the following year his curate, Ralph Scott, priest, (and not Smyth himself) in conjunction with the churchwardens, is party to the Indenture with the King's commissioners on behalf of Wigan church for delivery of the church goods.

From a *memorandum* in the Diocesan Register, recording the presentation of his successor, it appears that within a few months after Smyth's institution, namely on 28th May, 1551, Sir Thomas Langton again sold the next presentation to the Earl of Derby and others.

<sup>1</sup> Record Society (Lancashire and Cheshire), vol. viii. p. 408. Perhaps this Richard Smyth may have been the same with the rector of Bury of that name, who would seem from the (before-mentioned) pleadings of Nicholas Towneley the younger, in the Duchy Court, to have had some earlier interest in lands belonging to the parsonage of Wigan (see p. 97). He must not be confounded with his contemporary of the same name who is described in Wood's *Athena* as the greatest pillar of the Roman Catholic cause in his time; which last Richard Smyth was one of the witnesses against Archbishop Cranmer, who had been his great friend in the reign of King Edward VI.

The pecuniary difficulties of the Government of Edward VI. at this time led it to further acts of spoliation of church property. In the year 1552 commissions were issued ordering perfect inventories to be made of all manner of goods, plate, jewels, and ornaments belonging to any churches, chapels, fraternities, or guilds, together with the names of persons who had been known to have acquired any of the property since the date of former inventories, with a view to their appropriation by the crown. The commissioners appointed for the hundred of West Derby were the Earl of Derby, Sir Thomas Gerard, knight, and Thomas Boteler, Esq.; who visited the church of Wigan with its chapels of ease in October of that year, and when they had formally taken possession of all the church goods, they handed a portion of them back to the minister and churchwardens to be kept on the King's behalf, by virtue of the following indenture:

"Wigan churchē cū Holland Chapel & Billynge. This indenture made the iiij<sup>th</sup> dai of October in the sixt yere of the Reigne of Our Sou'aigne lord Edward the sixt by the grace of God Kinge of England Fraunce and Ireland defendo<sup>r</sup> of the faith and of the churchē of England & Ireland in erthe the supreme hedde [1552] Betwene the right honorable Edward Erle of Derby of the honorable order of the garter Knight Thomas Gerrarde Knight & Thomas Boteler esquier cōmissioners to ou<sup>r</sup> Sou'aigne lord the Kyng upon the behalf of his highnes of the one partie and Ser Rauf Scotte prieste Nycholas Lawe & Nyc' Penyngton churchē wardons of the parishe churchē of Wigan in the hundreth of Westederby in the Countie of Lanc' of the other partie Witnesseth that wher[as] the said comyssioners have delyv'd it at the tyme of sealyngē & delyv'ie hereof to the said churchē wardons & to the said S<sup>r</sup> Rauf fawre bells warof xij<sup>li</sup> as thei alledge is yet unpaid one chalice vij<sup>coapes</sup> j of grene silke ij of redde silke ij of whit twille & ij of yelowe silke x vestementes<sup>2</sup> of suche like silke & colo<sup>r</sup> iiij tynacles<sup>3</sup> thereof ij of

<sup>1</sup> Cope; a robe like a long cape or cloak used at solemn vespers, processions, &c.

<sup>2</sup> Vestment, or chasuble; originally a circular robe with an aperture at the top for the head; being the special robe prescribed for the celebrant at the Holy Communion in the first Prayer Book of Edward VI.

<sup>3</sup> Tunicle; a robe with sleeves and open at the sides, prescribed in the first Prayer Book of Edward VI. for the ministers assisting at the Holy Communion.

redde silke & ij of grene silke Itm at Holland Chapel ij belles a chalice & j olde vestement Itm at Billynge Chapel j littil belle;—belongynge to the said churche & chapels—saulfely to be kept to thuse of our Sou'aigne lord the Kyng. The said churche wardons as well as the said Sir Rauf for theym & their executors do coveñnte by these presents to and with the said commission's that the p'misses or anie parte therof shall not at eny tyme hereaft' be alienated Imbecellid or otherwise put away from our said sou'aigne lord but shal be aunswarable & furth cumyng to thuse of his highnes at suche tyme & tymes as his Matie or his honorable counsaill shall demaunde the same. In wytnes wherof the parties afforesaid to these p'sents ente'chaungeable have put their seales the day and yere above said. Incrm.' Mem. That ther is encresse of twoo bells one chalice & one olde vestemēt at Holland chapell never put in any inventorie heretofore."<sup>1</sup>

It may here be stated that in the account of John Birde, bishop of Chester, giving the result of the enquiry made into the misappropriation of church ornaments, plate, bells &c., in his diocese, 12th January, 1548, it is said of Wigan that James Anderton and Robert Chaloner, the churchwardens, "had sold ij<sup>ue</sup> chales for viij<sup>li</sup> xvij<sup>s</sup> ix<sup>d</sup>" which, they said, "was bestowed towarde the payment off or bellis bought off the Kyng."<sup>2</sup>

In 7 Edw. VI., 1553, Richard Smyth, clerk, parson of the church of Wigan, complains that William Gerrard, of Asheton, Esq., and John Winstanley of Blackehurst,<sup>3</sup> gent., with divers other riotous persons, did seize and take some of the tithe corn and grain which the complainant's servants had loaded ready to be taken away, the said persons being armed with "bowes, pytche forkes, and longe staves." He (Richard Smyth) desires that a privy seal may be directed to William Gerrard, John Winstanley, John Marsh, Homeffray Colley, Rauf Harrison, and Thomas Knowle, commanding them to answer the said charge. In

<sup>1</sup> Inventories of goods in the churches and chapels, taken in 1552; Q. R. Church goods, 6 Edw. VI. 3/49.

<sup>2</sup> Dom. Ser. Edw. VI., vol. iil. No. 4, quoted by Mr. Bailey in his Chetham Society's vol. on Inventories of Church Goods, 1552.

<sup>3</sup> John Winstanley is afterwards styled of Blakeley, gentleman.



answer to this, Winstanley states that Richard Kyghley, late parson of the church of Wigan, did lease the said parsonage to John Ketchyn, Esq., for and during a term of years yet ensuing, which said lease was afterwards lawfully confirmed, by virtue of which the said John Ketchyn entered the said parsonage and was lawfully possessed thereof. The said John Ketchyn granted to Sir Thomas Gerrard,<sup>1</sup> knight, and his assigns, the moiety of all the tithes of corn and grain within the town of Billinge for a certain term of years, and the said defendant, being the assign of the said Thomas Gerrard, considered that he had a right to take possession of the said corn, which he did in a lawful and peaceable manner. John Marsh and Thomas Knowle state that one half of the said tithes were demised to William Gerrard, and the other half to Sir Thomas Gerrard, knight, and his assigns, and they were instructed by John Winstanley and William Gerrard to carry away the said corn and grain.<sup>2</sup>

The suit was renewed in the following year, 1 Mary, when Richard Smyth, clerk, parson of Wigan, lays a bill of complaint against William Gerrard, of Asheton in Makerfield, gentleman, John Winstanley of Blakeley, gentleman, John Marsh, of Billinge, yeoman, Humphrey Colley, of the same, yeoman, Lawrence Slyned, of . . . , husbandman, Ralph Harryson, of the same, husbandman, and Thomas Knowle, of the same, husbandman, for carrying away three loads of tithe oats and three loads of tithe barley belonging to the parsonage of Wigan, and for which they refuse to make any recompence. The answers of Lawrence Slyned and Humphrey Colley are almost illegible; William Gerrard gives a similar answer with respect to his portion of tithe as that which was given by John Winstanley the previous year. In answer to which Richard Smyth cites Kygh-

<sup>1</sup> This Thomas Gerrard, who is styled Esq. in or about 1542-3 when he accepted the lease, and appears in 1553 as Sir Thomas Gerrard, I suppose to be the lord of Bryn and ancestor of the present Lord Gerard. He was High Sheriff of the county of Lancaster in 1553 and again in 1558.

<sup>2</sup> Duchy of Lancaster Pleadings, 7 Edw. VI. vol. viii. S. No. 7.

ley's lease to Ketchyn of 11th February, 1542, and his own re-entry into the parsonage with all its rights and profits in consequence of the non-payment of the half-year's rent of £50, under Kyghley's lease to Ketchyn, within 40 days after it became due. William Gerrard says that if the rent was not paid it was by fraud between the complainant and Sir Thomas Langton, in order that the grant might be forfeited, that the complainant has no right by law or conscience to take advantage of this to avoid any particular lease, and that his re-entry into the parsonage is unlawful. Richard Smyth replies that the surmise of fraud is untrue. And Queen Mary, who had now succeeded her brother Edward, issues her commission to enquire into the matter.

At the Inquisition it was asked whether the said Smyth came to the parish church of Wigan on the 40th day next after the Feast of the Annunciation, in the 6th year of King Edward VI. (1552), and remained there all the same day till the sun was set, and then demanded £50, being the half-year's rent for the parsonage, and whether John Ketchyn or any person for him was ready to pay the said sum; and it was sworn, on behalf of Richard Smyth, by Charles Leghe aged 58 years servant to Miles Gerrard Esq., William Astley priest chaplain and servant to Miles Gerrard Esq. aged 64, Richard Gerrard gentleman aged 40, James Sherington aged 55, Thomas Gerrard gentleman servant to Miles Gerrard aged 35, Gilbert Holcroft aged 39 tenant to Miles Gerrard, and Robert Whalley aged 40 tenant to William Forthe gentleman, that the said Smyth had demanded the rent at sunset on the 40th day and it was not forthcoming. Robert Hatton, aged 67, who said that he had been bailiff to Ketchyn for 10 years and received the issues and profits of the said parsonage to the use of Ketchyn, swore to the lease granted to William Gerrard, now defendant, of a moiety of the tithe corn, hay, hemp and flax of the township of Billinge (being parcel of the said parsonage) for a term of 29 years, and also to the lease of the other moiety to Thomas Gerrard, Esq., for the term aforesaid; he further deposed that the said Thomas had made over his interest in the said

moiety to John Winstanley, now defendant ; that Ketchyn afterwards granted all his estate and interest in the said parsonage to Sir Thomas Langton, for which the said Sir Thomas paid 200 marks ; that Edmund Burscove was proctor or bailiff to the said Sir Thomas ; that on the 40th day Richard Smyth re-entered the parsonage of Wigan ; and that the said defendants did pay the rents due for the tithe [*i.e.* to Sir Thomas or his agent] 3 weeks or more before the re-entry into the said parsonage of Wigan. Sir Thomas Langton of Walton-in-le-Dale, aged 58 years, gives the same evidence as the last witness, cites the conditions of Kyghley's lease to Ketchyn, with the power of re-entry, and mentions that the said Ketchyn had at the time of the lease agreed with the said Kyghley to discharge him of charges for finding a curate to serve the said parsonage, which would amount to twenty nobles a year or thereabouts ; he denies, however, that he made Burscove his deputy or gave him authority to receive the rents belonging to the said parsonage ; and says that he was in London at the time of the re-entry into the parsonage and did not know of the non-payment of rent ; that when he was at Newton Park with the said Sir Richard Smyth he offered him the rent due, and the said Smyth refused to take it anywhere but at Wigan ; that Burscove offered the rent to the said Smyth the day after the expiration of the 40 days, and he refused to receive it ; and the said Burscove said he would complain to Lord Derby, upon which Smyth took the rent ; that afterwards the said Smyth came to his (Langton's) mansion and promised to make amends for his conduct, which "is yet to do."<sup>1</sup>

This suit concerning the tithes of Billinge was not determined until after the decease of parson Smyth, who died within little more than a year of the commencement of the suit.

John Ketchyn seems to have sub-let the church lands as well as the tithes during the term of his lease, for one Oliver Halghton of Wigan complains, in parson Smyth's time, that he was

<sup>1</sup> *Duchy of Lancaster Pleadings*, 1 Mary, vol. vi. S. No. 1.

lawfully possessed of two closes of arable land lying in an enclosure called "the Ease," in the town of Wigan, together with the tithe of hemp, flax, and hay growing and remaining in the same town, for the term of 26 years not yet expired, by the lease of one John Ketchyn, Esq., to him made by an Indenture dated 6th March, 32 Henry VIII. (1540-1). He was also possessed of one croft of land commonly called "the Checker" and one "frounte" called "the Mayster's croft" leased to him by Robert Hatton,<sup>1</sup> the date of which lease was 6th April, 32 Hen. VIII. (1541); and his complaint is that one Richard Smyth, parson of the church of Wigan, together with William Hyde of Wigan, saddler, Hugh Pemberton, and divers other persons unknown, have at divers times riotously entered the said land and detained the said tithes amounting to the value of £4 and do yet detain them, in the endeavour that the said Oliver, being a very poor man, may relinquish his term and interest therein.<sup>2</sup>

Richard Smyth's tenure of the rectory of Wigan was a short one. If he was the same with the rector of Bury of that name he must have been an old man at the time of his admission to Wigan rectory, for Richard Smyth had already been rector of Bury for more than forty years.<sup>3</sup> It is highly probable that he

<sup>1</sup> Robert Hatton was bailiff of Wigan under Sir Thomas Langton, and the person employed by parson Kyghley to ride up to London and make arrangements for the payment of his first-fruits, for which he became joint-security with Ketchyn; so that it is not improbable that he also received a lease of some of the church lands in consideration of his services. Not only the office of bailiff was coveted in those days, but the stewardship or chief seneschalcy of the parson's manor seems to have been eagerly sought and accepted by the neighbouring gentry as a desirable piece of preferment which was probably held for life. In 1535 the stewardship was held by Robert Langton, the under-stewardship by William Walton, who was also clerk of the parson's court, and the bailiwick by Robert Hatton. In 1551 Sir Thomas Langton, the Lord of Newton and patron of the church was acting as chief steward, one Burscove was then reputed to be the bailiff, and Thomas Gerrard, of Bryn, Esq., William Gerrard, and Edward, 3rd Earl of Derby, all acted in succession as deputy-stewards to Sir Thomas Langton.

<sup>2</sup> Duchy of Lancaster Pleadings, vol. ix. (No date) No. 6.

<sup>3</sup> Baines (*Lancashire*, vol. i. p. 517) gives 21st October, 1507, as the date of Richard Smyth's institution to the rectory of Bury, where he built a chapel in the north aisle

was the same as Richard Smyth who was instituted, on 27th September, 1548, to the vicarage of Sandbach, in Cheshire, which had become void by the resignation of Thomas Smyth.<sup>1</sup>

Richard Smyth, parson of Wigan, died early in 1554, and was succeeded by Richard Gerrard.

Mr. RICHARD GERRARD, clerk, was presented to the parish church of Wigan, vacant by the death of Mr. Richard Smyth, the last incumbent, on 27th February, 1554, by Edward, Earl of Derby, Henry Lord Straunge, and others by virtue of the concession of Sir Thomas Langton, knight, the true patron. He was admitted and instituted to the same by George [Cotes] Lord Bishop of Chester, on 2nd March of the same year.<sup>2</sup> Richard

of his church; but in 15 Hen. VIII. (1523) Thomas Boteler, Esq., the king's commissioner for Lancashire and Cheshire, made a return to Sir Thomas More, chancellor of the Duchy of Lancaster, and to the King's council, that Richard Smyth, clerke, was parson of the church of Bury by the nomination of the Earl of Derby; that the parsonage was worth xl marks; and that the said Richard had been incumbent by the space of *twenty years*. In 18 Henry VIII. (1526-7) Richard Smyth, clerk, as parson of Bury church, proceeded against John Grenehalgh and others for assault and disturbance of church service (Calendar of Duchy of Lancaster Pleadings, vol. i. p. 132). In 27 Hen. VIII. (1535-6) he was LL.B., and the Pope's pardoner in Lancashire (Chetham Tract lix. p. 113; *Lancashire Chantries*). He answered a visitation call as rector of Bury (about 1547), at which time his assistants, or curates of the chapels, were *D<sup>n</sup>s Will<sup>us</sup> Marshall, curatus*, and *D<sup>n</sup>s Rich<sup>us</sup> Battersbye*. (*Inventories of Church Goods in 1552*, Chetham Tract, cvii. p. 47.)

<sup>1</sup> The patron of Sandbach for this turn was Richard Day of Leek, in the county of Stafford, by the grant of the Abbot and Convent of Dieulacres dated 3rd May, 1536, and signed by 13 members of the House. The Vicarage of Sandbach had become void by the death of the last incumbent before 20th April, 1554, on which day Peter Prestland was presented to this benefice. He paid his first fruits 9th May (Record Society, Lancashire and Cheshire, vol. viii. p. 396), and was instituted on 19th May in that year (Ormerod's *Cheshire*, Helsby's ed., 1882, vol. iii. p. 105). This is strong presumptive evidence that the two Richard Smyths, whose livings became vacant about the same time, were one and the same person.

<sup>2</sup> Chester Diocesan Register.

Gerrard was a younger son of William Gerrard, of Ince, in the parish of Wigan, gent., and younger brother of Thomas Gerrard of the same place, and of James Gerrard of Astley, from whom the Lords Gerrard of Bromley in Staffordshire descended.<sup>1</sup>

On 22nd October, 1522, a grant was made out presenting Ric. Gerard, clk., to the church of Gropnall (Grappenhall) Cov. and Lich. Dioc., *vice* Simon Byron, clk., deceased, in the King's gift by the minority of Henry, son and heir of John Byron.<sup>2</sup> He rebuilt or restored the church of Grappenhall in Cheshire in 1539, and his arms, *azure, a lion rampant ermine, crowned or*,<sup>3</sup> may still be seen in some very old glass in one of the windows of the old rectory house there.<sup>4</sup> James Gerrard of Astley (the second son of William Gerrard of Ince), in his will, printed by the Chetham Society,<sup>5</sup> makes his "brother Ric. Gerrard, pson of gropēhall" one of his executors.

In 33 Hen. VIII., 1542, Richard Gerrard was admitted parson of Bangor Monachorum, by reason that William Knight was made bishop of Bath and Wells, by presentation of the King, patron *jure prerogativa*.<sup>6</sup> Gerrard's composition for tenths and

<sup>1</sup> See *Visitation of Lancashire* by William Flower, Chetham Tract xxxi. p. 101.

<sup>2</sup> *Del.* Westm. 22 October, 12 Hen. VIII., *Cal.* p. 381 (as quoted by Rev. M. H. Lee, vicar of Hanmer, in the *Palatine Note Book*, vol. ii. p. 212).

<sup>3</sup> These were the arms of the original Gerrards of Ince. The same arms were in one of the painted glass windows in Wigan church in 1590 (*Armorial Bearings in the churches of Prescott, Wigan, and Liverpool*, by J. Paul Rylands (1881), p. 4; from *Harl. MS.* 2,129). The old Gerrards of Ince afterwards fell into pecuniary difficulties, and their lands were sold by Thomas Gerrard, in the time of Charles II., to Col. Richard Gerrard, second son of Sir Thomas and brother of Sir William Gerrard of Bryn, knights; which Col. Richard Gerrard was cup-bearer to Queen Henrietta Maria, and died at Ince in 1686. His arms, as given in a book plate in possession of his representative Humphrey Walmesley of Westwood, Esq., are quarterly, 1st and 4th *a saltire*, 2nd and 3rd *a lion rampant*, being those of Gerrard of Bryn.

<sup>4</sup> *Armorial Bearings in the churches of Prescott, Wigan, and Liverpool* (as before) p. 7.

<sup>5</sup> *New Series*, vol. iii. p. 6. The will is unfortunately much defaced, and the date is wanting.

<sup>6</sup> *Emral MSS.* (quoted by Rev. M. H. Lee, *Palatine Note Book*, vol. ii. p. 212).

first-fruits is dated 27th May, 33 Hen. VIII.<sup>1</sup> In 1547 he was still rector of Grappenhall and parson of Bangor.<sup>2</sup> He probably resigned Grappenhall on his acceptance of the richer benefice of Wigan, for he had been succeeded in the former by Peter Shaw, in 1556.<sup>3</sup>

At Wigan Richard Gerrard inherited the lawsuit commenced by his predecessor concerning the tithes of Billinge. In 1 and 2 Philip and Mary, 1555, as parson of the parish church of Wigan, he lodges his bill of complaint in the Duchy Court, in which he recites the bill of the late Richard Smyth with the answers made to it; and a commission, dated 28th June, 1 and 2 Philip and Mary (1555), was issued to Alexander Barlowe,<sup>4</sup> Thomas Eccleston, and John Wrightington, Esquires, directing them to examine William Gerrard, John Winstanley and others touching the matter in variance between Richard Gerrard, clerk, parson of Wigan, plaintiff, and the said William Gerrard and others defendants.<sup>5</sup> In January of the following year a decree was pronounced in favour of Sir Richard Gerrard, the parson, ordering that he should henceforth enjoy the said tithe corn and grain without let or interruption.<sup>6</sup>

Sir Richard Gerrard died in 1558, and was succeeded in the rectory by Thomas Stanley.

From subsequent suits in the Duchy court it appears that William Gerrard, the defendant in the above-mentioned suit, became his administrator, being presumably one of his nearest of kin. I suppose this William Gerrard of Ashton in Makerfield to have been the second son of James Gerrard of Astley, and

<sup>1</sup> *Palatine Note Book*, vol. ii. p. 212.

<sup>2</sup> Helsby's Ormerod's *Cheshire*, vol. i. p. 600.

<sup>3</sup> *Ibid.*

<sup>4</sup> Alexander Barlowe, Esq., was one of the members of parliament for Wigan at that time. There is a pedigree of the Barlowe family given in the *Palatine Note Book*, vol. iv. p. 230.

<sup>5</sup> Duchy of Lancaster pleadings, 1 and 2 Phil. and Mary, vol. x. G. No. 1.

<sup>6</sup> Duchy of Lancaster Decrees and Orders, Hilary, 1 Eliz., vol. xii. fo. 91, in which this Decree is cited.

so nephew to the late rector. He thus became possessed of the rector's writings upon the strength of which he re-entered upon the tithes of Billinge, and retained them until his death, which took place shortly afterwards.

THOMAS STANLEY, bishop of Sodor and Man (*Sodoren Episcopus*), was admitted and instituted to the rectory of Wigan, vacant by the death of the last incumbent (Richard Gerrard), on 9th August, 1558, having been presented thereto on 6th August by John fletewood, Esq., and Peter ffarington, Esq., patrons for this turn by the deed of the true patron (Sir Thomas Langton, knight), dated on 10th May of the same year.<sup>1</sup> He had been consecrated bishop of Sodor and Man in 1510, but was deprived in 1545 for refusing to comply with the Act of 33 Hen. VIII., which disconnected the see from the Province of Canterbury and attached it to that of York.<sup>2</sup> On 4th March, 1512-13 he was instituted to the parish church of Badsworth (St. Mary's) in the county of York, vacant by the death of Mr. James Harington, on the presentation of Sir Edward Stanley, knight, one of the King's household; which benefice he resigned at the close of the year 1549.<sup>3</sup>

In May, 1528, he was collated to the prebend of Thorngate, in the Diocese of Lincoln.<sup>4</sup> He was restored to his bishoprick by Queen Mary in 1556.<sup>5</sup>

At the time of his admission to the rectory of Wigan he was bishop of Sodor and Man and rector of Winwick and North Meols, in the county of Lancaster, as also of Barwick All Saints in Elmet, in the county of York, having been admitted to Winwick on 10th April, 1552, and to North Meols on 23rd December, 1557;<sup>6</sup> for the holding of all which with his bishoprick it is said that he obtained the Pope's Bull.<sup>7</sup>

<sup>1</sup> Chester Diocesan Register.

<sup>2</sup> Beamont's *History of Winwick*, p. 30.

<sup>3</sup> York Diocesan Registry. <sup>4</sup> Le Neve's *Fasti*; Wood's *Athena*, vol. iii. p. 807.

<sup>5</sup> Le Neve's *Fasti*. <sup>6</sup> Baines' *Lancashire*, vol. iii. p. 622, and vol. iv. p. 277.

<sup>7</sup> Raines' *MSS.*, vol. xxii. p. 30; Tanner's *Bibliotheca Britannico-Hibernica*, p. 689.

There is no record, in the York Diocesan Registry, of his institution to Barwick in Elmet, though the institution of his predecessor is recorded in 1519, and that of his successor on the death of the last incumbent on 18 March, 1668-9.



It has been stated that after the death of Richard Gerrard, the late rector, William Gerrard re-entered and kept possession of a portion of the tithes of Billinge, so that Bishop Stanley was obliged to renew his predecessor's suit against him to obtain possession ; and in 1 Elizabeth, 1558-9, we find him, as Thomas Stanley, bishop of Man and parson of Wigan, complaining in the Court of the Duchy of Lancaster that divers letters patent, deeds, evidences and writings concerning the manor of Wigan had casually come into the hands and possession of one William Gerrard, gent., being administrator of the goods and chattels of Richard Gerrard, clerk, late parson of Wigan, and although the said Stanley had sundry times required and demanded the same, the said William Gerrard had refused to give them up. Not knowing the certain number of these writings, nor whether contained in box or bag or in locked chest, he is without remedy by the due order of the common law to demand the said papers. He therefore entreats for a writ of injunction to the said Gerrard commanding him to deliver them up.<sup>1</sup>

I presume that he recovered his writings and proceeded against the said William Gerrard, who seems to have died about this time ; for in Hilary Term of the same regnal year, 1 Eliz., 1559, a final decree was made in the following terms, with respect to the suit commenced by Richard Gerrard, clerk, rector of Wigan, against William Gerrard and John Winstanley: "Whereas in the term of St. Hilary in the second and third years of the reigns of the late King Philip and Queen Mary late Queen of England deceased (1556), in the matter of the tithe corn and grain yearly arising and growing within the town of Billinge in the parish of Wigan, supposed to belong to the parson of Wigan, in the county of Lancaster ; it was ordered and decreed in this court that the said plaintiff and his assigns should from henceforth have, perceive, take, occupy, and enjoy, the said tithe corn and grain without let or interruption of the said defendant, as by the said decree more

<sup>1</sup> Duchy of Lancaster Pleadings, 1 Eliz., vol. iii. S. No. 2.

plainly doth and may appear : It was this day moved by the counsell of the plaintiff to have an injunction against Sir Thomas Gerrard, knight, concerning the performance of the tenor of the said decree, whereupon an injunction is this day awarded against the said Sir Thomas Gerrard, that he, as executor, administrator or assign to the said William Gerrard, shall not, upon the sight of the said injunction, have, occupy, and enjoy, the said tithe corn and grain, but shall permit and suffer Sir Thomas Stanley, clerk, and his assigns, to occupy the premises and every parcel thereof without let, molestation, vexation, or trouble, of the said Sir Thomas Gerrard or of any other person or persons by his means."<sup>1</sup> I presume that John Winstanley had not disputed the previous decree, and therefore he is not mentioned in the order.

In 1 Eliz. Dr. Thomas Stanley, bishop of Man, was present at the funeral of Margaret, Countess of Derby (the Earl's second wife), who was buried at Ormskirk with great solemnity on 24th February, 1558-9. On that occasion the said bishop sang a solemn mass, having on him his ornaments and mitre.<sup>2</sup>

In the following year, 2 Eliz., the Dean and Chapter of Lichfield complain in the Duchy Court that they have "by all the time whereof the memory of man is not to the contrary" been seized of a yearly rent of £20 issuing out of the rectory or parsonage of Wigan until the last two years in which Thomas "bishop of Sodor and parson of Wigan" has wrongfully detained the said sum, notwithstanding that the said complainants have made continual suit for the same.<sup>3</sup> I have not found the record of any decree in this matter, but Stanley was doubtless made to pay the pension with the arrears.

Bishop Stanley now began to look up his manorial rights, together with the tithes and rents belonging to the parsonage, all which had been considerably encroached upon, during Kyghley's unfortunate lease, by the Mayor and burgesses of Wigan in the

<sup>1</sup> Duchy of Lancaster Decrees and Orders. Hilary, 1 Eliz., fo. 91, vol. xii.

<sup>2</sup> Lancashire Funeral Certificates, Chetham Tract, lxxv. p. 9.

<sup>3</sup> Duchy of Lancaster Pleadings, 2 Eliz., vol. vi. L. No. 7.

one case and in the other by certain lessees of the tithes and sundry tenants at will. Some of these were irremediably lost, though more than one of Stanley's successors made vigorous efforts to recover them.

During this half century, under the Tudor dynasty, a considerable change in the balance of power had taken place throughout the country. The wealth and power of the commonalty had largely increased, and in borough towns the burghers had attained a stronger and more independent position, which enabled them to repudiate many of the old manorial rights as having become obsolete. This had been notably the case at Wigan, in more than one point, and it was doubtless the more easy of attainment for lack of a powerful hereditary lord who could constantly watch over his interests and enforce his lawful rights. At this time the right of holding the statute markets and fairs and periodical court-leets had been claimed and exercised by the Mayor and burgesses, together with the use of the Moot-hall. This usurpation of the parson's ancient privileges held under charters from the Crown, which had been frequently confirmed and renewed, was challenged by parson Stanley, who in conjunction with Sir Thomas Langton, knight, the patron, laid a bill of complaint in the Duchy Court and asked for an official enquiry. A commission was accordingly issued in 2 Eliz. (1559-60) to make full enquiries into the matter.<sup>1</sup>

The bill of Thomas Stanley, Bishop of Man and of the "Owte Isles" and parson of Wigan, and Sir Thomas Langton, knight, baron of Newton and patron of the said church, sheweth: That Thomas Stanley hath of right one "lete or law daye" usually held twice a year, and one Court of Record for all manner of pleas within the town of Wigan, for the preservation of justice, by force of certain letters patent granted unto his predecessors, by reason whereof Thomas Stanley appointed William Fleetwood, gent., steward general of the said church,

<sup>1</sup> *Duchy of Lancaster Pleadings*, 2 Eliz., vol. ii. S. No. 2.

the duties of the office to be exercised by the said Fleetwood or his lawful deputy. Sir Thomas Langton, being Fleetwood's deputy, the [blank] day of [blank] last past, on going to the court to exercise the said duties was riotously interrupted, troubled, and disquieted by certain evil disposed persons, among whom were Richard Moore, Peter Marshe, Thomas Becke, Robert Penington, Rauffe Turner, John Scotte, John Prescotte, Robert Prescotte, Thomas Barrowe, Richard Casson, Geoffrey Pilkington, John Fraunce, and Thomas Orrell, who have divers times since misused (and wrongfully imprisoned) James Henryson, William Straitbarell, and other servants of the said Stanley and Sir Thomas Langton, both by violence and threatenings, and certain of the said riotous persons refuse to appear at the said court to do their duties and service according to their tenure.

The inquisition was taken at Westminster on the 28th of April, 3 Eliz. 1561, when Richard Moore of Wigan, yeoman, aged 50, John Scott of Wigan, yeoman, aged 55, and Geoffrey Pilkington, three of the defendants, appeared, and were examined upon oath. They deposed that the parson of Wigan had had a "Leete or Lawe daye" and a Court of Record for all manner of pleas or matters in Wigan to their knowledge by the space of 20 years, and that the said deponents had done suit and service there until now of late they and divers others of the inhabitants had said nay to do any such suit or service, thinking that of right the said bishop ought not to have or keep any such court or leet there. That they had no knowledge of Stanley's having appointed William Fleetwood to be his steward general of the same court, or of his having ever exercised the said office. They denied having troubled, vexed or disquieted the said Sir Thomas Langton when sitting in the said court, but they said that Richard Moore, being then Mayor of Wigan, had sat down by Sir Thomas to see that nothing was done to the prejudice of the town of Wigan or the liberties thereof, and John Scott deposed that when Sir Thomas was sitting in court and

giving charge to enquire of bloodshed, the said Richard Moore had challenged his authority to do so unless it were drawn or shed within certain limits of time and place. They further deposed that they did not know whether any of the inhabitants of Wigan ought of right to do any suit or service to the said parson's leet or to his three week's court, that most of them had done so, until now of late, to be and pass upon juries there, but that some had departed out of the court and would not be sworn, among whom were the said John Scott and Geoffrey Pilkington and others whose names they did not certainly remember. That James Henryson, servant of the bishop about the [blank] day of February last, did make an assault upon one Christopher Sweeting, and the said Richard Moore, being Mayor of Wigan, went to the place where the assault was committed and sent Henryson to prison; but that on finding sureties for keeping the peace he was liberated; that about the [blank] day of August, being Sunday, when the parishioners were gathered together at divine service, William Straitbarell [mentioned in the bill of complaint as one of the bishop's servants who had been misused and falsely imprisoned] being accompanied by a number of persons and a "mynstrell called a pyper" went through the said church to the Table whereupon the Communion is administered and did cause the said piper to play upon a "paire of graitt and lowde bagg-pypes," whereupon the said Mayor did "gently require the said piper to cease." That some time after the said Straitbarell came to the Mayor in Wigan and asked him "What he hadde to do to cause the said pyper to cease and leave hys playinge," and did then speak these words to the Mayor, "Thou art a very foole and more mete to be a swynnarde than a Mayor," with many other evil and opprobrious words. That the said Straitbarell was thereupon committed to prison, but upon his submission and acknowledgment of his offence was set at liberty. That they did not know that any attachment had been awarded against the said Richard Moore and others on the suit of the said bishop and Sir Thomas Langton, but had heard that such had been awarded and

in the Sheriff's hands. That such attachment was not served upon the said Richard Moore or others. That they did not know that the Sheriff stayed the execution thereof from any friendship that he bore towards Moore and the others; nor that any money was given by Moore or others to stay the execution of the said process. That they did not know, but had heard it reported by others, that there was a privy seal served upon one Robert Pennington, at the suit of the same bishop and Sir Thomas Langton, and that the same Robert did break the same and cast the wax at the before mentioned William Straitbarrell.

The deposition of Peter Marshe, Robert Pennington and Thomas Becke agrees with that of the three former defendants. Thomas Stanley and Sir Thomas Langton say in answer that James Harryson [Henryson] is bailiff in Wigan and that he had the said Sweeting in execution of a certain debt, and Sweeting "dyd flee from the sayd Harryson and wolde have escaped owte of execution, and thereupon the sayd Harryson did freshelye hym pursue, and the sayd Sweeting dyd returne agayne and draw hys dagger and dyd stryke at the sayd Harryson; and that the blows struck by Harryson were in self defence. With regard to the other matter they say that a piper came to the church playing on his instrument before a bryde according to the uses of the country, that he did not make any disturbance, and that the said Straitbarell did neither procure him nor come with him."

The defendants, in reply, deny that Harryson had an execution against Sweeting, or did pursue, as stated by the complainants, but assaulted Sweeting unjustly and would doubtless have murdered him if some of the townspeople had not interfered. They declare all the statements made to be untrue.<sup>1</sup> There is no order or decree to be found with reference to this suit. It would seem, however, that it had the effect of bringing Bishop Stanley and his parishioners at Wigan to some understanding; for in this same year he confirmed to the burgesses of Wigan

<sup>1</sup> Duchy of Lancaster Pleadings, 3 Eliz., vol. vii. S. No. 4.

parson Maunsell's charter of freedom, by a charter of *inspeximus* dated at Wigan on 10th October, 3 Eliz., 1561;<sup>1</sup> and from a subsequent lawsuit, held in parson Fleetwood's time, it would seem that Stanley troubled himself no more about the matter, but suffered the Mayor and burgesses to do as they pleased.

In 5 Eliz., 1562-3, there was a lawsuit between Sir Thomas Langton and Sir Thomas Gerrard, knights, concerning the tithes of corn and grain in the township of Pemberton, which Langton claimed as the purchaser of a lease granted by Thomas Stanley, dated 22nd March, 1 Eliz., 1559, to Edmund Burscough and William Straitbarell for a term of years yet enduring, they paying a yearly sum for the same. He asserted that he had entered into the premises by virtue of an assignment of their lease made to him on 22nd April, 1559, and was possessed thereof until he was ejected by Gerrard. Gerrard apparently claimed under Kyghley's lease to Ketchyn and under some arrangement alleged to have been made with parson Gerrard, that he (Thomas Gerrard) should have these tithes in recompence for the tithes of Billinge, of which he had been dispossessed. Langton thereupon pleaded Smyth's re-entry; which Gerrard denied, and said that long before the time of the alleged re-entry into the parsonage, Smyth had entered into a messuage or tenement in Wigan then or late in the tenure of William Hyde, and divers other messuages, parcel of the manor of Wigan, and had wrongfully kept possession of the same during the time that the said rent was accruing, on account of which he is said to have made his re-entry, so that he had forfeited the right to take advantage of the clause under which he re-entered.<sup>2</sup>

In the same year, 5 Eliz., Thomas "bishop of Sodor and parson of Wigan" lays a complaint in the Duchy Court against William Orrell of Orrell, gentleman. His statement is that the said William Orrell, having gathered unto him about 40 persons, during harvest time and divers other times before and after, had

<sup>1</sup> *Vide ante* p. 11.

<sup>2</sup> Duchy of Lancaster Pleadings, 5 Eliz., vol. xv. L. No. 1.

assembled in the township of Orrell, in the parish of Wigan, and with force and arms carried away 20 loads of tithe corn of the value of 40 marks and more, and converted the same to his own use.<sup>1</sup>

Again in the same year he lays a bill of complaint against Roger Bradshaghe of Haghe, Esquire, stating that he, with sundry other riotous persons to the number of 40, had carried away 80 loads of tithe corn and grain in the township of Haghe, in the parish of Wigan, to the value of £40, and converted the same to his own use, although gently remonstrated with, and hath refused to make amends.<sup>2</sup>

In 1564 Bishop Stanley, though he was then in possession of several rich benefices, was apparently residing in idleness at Durham. Pilkington, bishop of Durham, in a letter to the archbishop of Canterbury, gives a deplorable account of the clergy of the northern province at that date, and says: "The bishop of Man liveth here at ease and as merry as Pope Joan."<sup>3</sup>

In 11 Eliz., 1568-9, Thomas Stanley states in his bill of complaint that he is seized of and in two tithes, with the appurtenances, called the tithe of the townships of Ince and Hindley, within the parish of Wigan. Being so seized, in August last past Miles Gerrard of Ince, Esquire, who had lent him one of his barns for storing the grain, died before the whole of the grain was carried, and at his death his son and heir, William Gerrard, agreed to carry and house the said grain and deliver the keys of the barn to the complainant. But when the corn was all carried the said William Gerrard refused so to deliver the keys.<sup>4</sup>

Bishop Thomas Stanley died in 1568, *i.e.* 1568-9.<sup>5</sup> The Earl of

<sup>1</sup> Duchy of Lancaster Pleadings, vol. xvi. S. No. 16.

<sup>2</sup> *Ibid.*, S. No. 17.

<sup>3</sup> Baines' *Hist. of Lancashire*, vol. iii. p. 100.

<sup>4</sup> Duchy of Lancaster Pleadings, 11 Eliz., vol. xi. S. No. 5.

<sup>5</sup> Le Neve's *Fasti*; Anthony à Wood says that he paid the last debt of nature in the latter end of 1570, but in this he is certainly in error. His successor at Barwick in Elmet, Mr. William Power, M.A., was instituted on 18th March, 1568-9, and his successor at Wigan on 22nd June, 1569, so that he probably died in March, 1568-9.



Derby calls him "his cousin," but his name does not occur in the family pedigree. He is said to have been an illegitimate son of Sir Edward Stanley, the first Lord Monteagle, of Hornby Castle,<sup>1</sup> in which case he will have been a brother, or half brother, of Dame Elizabeth the wife of Sir Thomas Langton, knight, the patron of Wigan church.

Bishop Stanley was the writer of the "Rhyming Chronicle," a kind of history in verse of the Stanley family, continued to the year 1562, and his verses have been received by genealogists as the most authentic account of the family.<sup>2</sup> He is described by Bishop Tanner as "*Poeta laud contemnendus*."<sup>3</sup> He is said to have had in his possession a very ancient painting of the face of our Blessed Lord, which was taken by him to Douglas, in the Isle of Man, where it is still preserved.<sup>4</sup> Mr. Beaumont informs us that he was a bad steward to the rectory of Winwick, one of his preferments, for in 3 Eliz., 1563, he granted to Sir Thomas Stanley,

In his bishoprick of Sodor and Man he was succeeded by John Salisbury, Dean of Norwich. There is some discrepancy as to the date of Salisbury's appointment. Rev. J. G. Cumming, editor of "A Short Treatise on the Isle of Man" (vol. x. of the Manx Society's publications, p. 77) gives it as 1569. Willis (*Survey of Cathedrals*, vol. i. p. 367) says that Thomas Stanley died in 1568 (*i.e.* 1568-9) and gives the date of Salisbury's nomination as 27th March, 1569, but Le Neve gives it as 27th March, 1570, which is probably the correct date. It appears that some question arose as to the right of nomination, and Queen Elizabeth, writing from Gorhambury, on the 29th September, 1570, to the archbishop of York, mentions the fact that the bishoprick had been for *some time* vacant by the natural death of Thomas Stanley, and destitute of the episcopal consolation; she informs him that the right of nomination notoriously belonged to the Earl of Derby, who had lawfully nominated, and presented to her, John Salisbury, late suffragan of Thelford, who had already been consecrated [as suffragan], and desired her to send her letters mandatory to the archbishop of York, to confirm the appointment, which she does accordingly. (*Pat.* 12 Eliz. given in *Monumenta de insulâ Manniæ*, Manx Society's publication, vol. ix. pp. 53-7.)

<sup>1</sup> Piccope's MSS. in Chetham Lib. vol. numbered 7 and corrected to 10, p. 90; being taken from Dodsworth's MSS. in Bodleian Lib.

<sup>2</sup> Stanley Papers, part i. (Chetham Tract xxix.) p. 16.

<sup>3</sup> *Bibliotheca Britannico-Hibernica*, p. 689.

<sup>4</sup> Journal of the Archæological Institute, vol. xxvii. p. 190.

knight, second son of Edward, third Earl of Derby, a lease of the said rectory, parish church and benefice, with the manor, park, and glebe lands, for the term of 99 years, at a yearly rent of £120;<sup>1</sup> and he seems to have done but little better for the rectory of Wigan.

WILLIAM BLACKLEACH, whom I suppose to have been the next rector, paid his first fruits on 22nd June, 11 Eliz., 1569.<sup>2</sup>

From certain pleadings in the Duchy Court in the time of the next rector it appears that Blackleach leased the tithes of the rectory of Wigan, for the term of his own incumbency, to Edmund Wynstanley and John Wodcocke and their assigns, who passed over their interest therein to John Assheton and Robert Worseley, of the Boothes, Esq.<sup>3</sup> I learn nothing more of this rector, who resigned the benefice within two years of his appointment.

EDWARD FLEETWOOD was admitted and instituted on 8th February, 13 Eliz., 1571, to the parish church of Wigan, vacant by the resignation of the last incumbent, on the presentation of Queen Elizabeth by reason of the minority of Thomas Langton the patron.<sup>4</sup> He paid his first fruits on the 12th of the same month.

<sup>1</sup> *History of Winwick*, pp. 32, 114.

<sup>2</sup> Record Society (Lancashire and Cheshire), vol. viii. p. 409. There was a family of the name of Blackleach (*alias* Blackledge) seated at Leyland at this period. Bishop Huan Blackleach (or Hesketh), Stanley's predecessor in the bishoprick of Man, is said to have been born at Blackleach Hall, in the lordship of Lathom (Leyland?) in the county of Lancaster, and to have been the eldest son of that house (Raines' MSS., vol. vii., altered in pencil to x., p. 98, and labelled on the side "Dodsworth's MSS., vol. 149 to vol. 161. *Finis.*")

<sup>3</sup> Duchy of Lancaster Pleadings, 13 Eliz. vol. xlix. A. No. 19.

<sup>4</sup> Chester Diocesan Register. Thomas Langton, then in his minority, was the son of Leonard, 6th son of Sir Thomas Langton, knight, and grandson and heir of the said Sir Thomas. He succeeded his grandfather in 11 Eliz., 1569, being then 8 years of age. This last baron of Newton of this name did not add to the lustre of his family. In the year 1589 he was concerned in a fatal affray at Lea Hall, when Mr. Hoghton

This rector was a younger son of Thomas Fleetwood, of the Vache, Esq., Treasurer of the Mint, and some time M.P. for the county of Bucks, by his second wife Bridget, daughter of Sir John Spring of Lavenham, in the county of Suffolk, knight, and nephew of John Fleetwood of Penwortham, who married the daughter of Sir Thomas Langton, knight.<sup>1</sup> Mrs. Bridget Fleetwood, his mother, was afterwards married to Sir Robert Wingfield of Leatheringham, in the county of Suffolk, knight, and was living in 1571 when her son became rector of Wigan.<sup>2</sup> Edward Fleetwood, to whom Edward, Earl of Derby, was god-father,<sup>3</sup> must have been very young when he was made rector of Wigan, for by inquisition taken at Lancaster on 26th March,

was slain, and it is supposed that he made his peace with the family by ceding to them his manor and principal residence of Walton-in-le-dale, in the county of Lancaster. He was Knight of the Bath at the Coronation of James the First, and died 20th February, 1604-5, without issue, when his cousin Richard Fleetwood, eldest son of Thomas Fleetwood, succeeded as heir of entail under the will of his grandfather Sir Thomas Langton. Dodsworth preserves a record of the following tablet originally placed in Wigan Church, but which had then been removed to Duxbury:—

“To oblivion

And y<sup>e</sup> due [drie] bones of Sir Tho<sup>s</sup> Langton of y<sup>e</sup> Hon<sup>ble</sup> order of y<sup>e</sup> Bathe Knt. Baron of Newton Mackersfeld y<sup>e</sup> last of his name and ye undoubted patron of this Church descended from a most ancient famous and farre renowned family of Langton of Leicestershire who some times were of great authority both in y<sup>e</sup> Church and Commonwealth of this kingdome and for y<sup>e</sup> space of 300 yeares have flourished in this County. A gentleman y<sup>t</sup> many times tugged w<sup>th</sup> extremetyes and made warre with y<sup>e</sup> worst of misfortunes &c. He departed this lief in y<sup>e</sup> city of Westminster 20 Feby. 1604 when he had lyved 44 yeres and lyes buried nere y<sup>e</sup> high altar in St. Peter's Church adjoyning to the Abbey.”

In the inquisition taken four years after his death, that event is said to have happened at Newton (*Lancashire and Cheshire Wills and Inventories*, Chetham Tract li. p. 251. See also *History of Langton*, by John Harwood Hill, pp. 19-23).

<sup>1</sup> Priory of Penwortham, Chetham Tract xxx. p. liii. Mr. Thomas Fleetwood, who died 1st November, 1570, was buried in the church at Chalfont, St. Giles, in the county of Bucks. He died seised of the manor of Northbreke and a messuage called Rossal Grange, &c. Arms; *per pale nebulle azure and or, six martlets counter-changed.*

<sup>2</sup> Bishop Bridgeman's Wigan Ledger.

<sup>3</sup> *Ibid.*

13 Eliz. 1571, on the death of the above-named Thomas Fleetwood, Esq., Edmund Fleetwood, the eldest child of the first marriage, was found to be the said Thomas Fleetwood's heir, and 28 years of age and upwards, so that Edward, the 3rd son of the second marriage, could not have been more than 24 years of age at that time, unless his brother's age is much understated.<sup>1</sup> Canon Raines, however, calls Edward the fifth son of the said Thomas Fleetwood, and (probably following some old pedigree) says that he was born in 1534,<sup>2</sup> which is highly improbable.

Unlike most of his predecessors he had the merit of being a resident rector; and as the property of his church had suffered much from the neglect of his predecessors he was involved in several lawsuits to obtain possession of his rights. In the first year of his incumbency he commenced a suit against the Langshaws to recover seizin of two ancient water mills, which are described as Walke mills,<sup>3</sup> in the town of Wigan. In his bill of complaint he says that the evidences, writings and muniments concerning the said mills, proving his title to the same, have casually come into the hands of Hugh Langshaw, Gilbert Langshaw, and James Langshaw, who have entered the said mills, and put out the said Fleetwood, and refuse to deliver up the said deeds.<sup>4</sup>

Three years later, namely in 16 Eliz. (1573-4), Edward Fleetwood makes further complaint that William Langshaw, Robert Pennington and Thomas Pennington, of Wigan, husbandmen, in August last past, with sundry other persons, did riotously assemble themselves together at Wigan, and "then and there with force did enter into one walke myll beying buylded upon parcell of the said mannor and of right belonging to the said

<sup>1</sup> John Fleetwood of Penwortham (his uncle) by his will dated on 1st September, 1585, ordained his "trustie and welbelovyd cosyn Mr. Edward Fleetwoode, parson of Wigan," to be one of his executors (Hulton's *Priory of Penwortham*, p. lvii.)

<sup>2</sup> *Stanley Papers*, Chetham Tract xxxi. p. 168.

<sup>3</sup> Walke mills; Bamford (*Dialect of South Lancashire*, p. 255) describes a walke mill as a fulling mill, *i.e.* a mill for fulling cloth or making it compact and firm.

<sup>4</sup> Duchy of Lancaster Pleadings, 13 Eliz. vol. li. F. No. 14.

orator," and did expel and put out Robert Langshaw and Robert Hasteley who occupied the same, threatening to beat and kill the said Edward Fleetwood or any who should enter the said premises. The said Fleetwood therefore is without any tenant to his great losse and hindrance, "which wilbe to the disinheritans of the seid orator and his successors, parsons there, for ever."<sup>1</sup>

The answer of Hugh Langshaw, Gilbert Langshaw, and James Langshaw, given in 18 Eliz. (1575-6), is that the said bill is only devised of malice and "evill will" to put them (being poor men) to charges and expenses, by the special procurement of Peter Nelson, "being a greate enemye to James Langshaw, and havynge manye tymes sought hys utter undoinge as is manifestlie knowen to all their neightbours." They declare the said title to be determinable at the Common Law, at which court they pray the case may be tried. Hugh Langshaw says that he and all his ancestors have used and enjoyed a 4th part of one of the said water mills mentioned in the said bill, or such profit as amounted to the 4th part, paying to the parson of Wigan for the time being the 4th part of the rent of the said mill. Gilbert Langshaw says that he is seised of an estate of and in a 4th part of the other water mill by good and lawful conveyance in law. James Langshaw says that he is seised of and in one 3rd part of a 4th part of the last-mentioned water mill. The said defendants deny that the parson has any right to the said mills, or that they have in their possession any writings or deeds concerning them, and aver that they claim only that part to which they are justly entitled.<sup>2</sup>

The answer of William Langshaw, given on 6th February, 1583, was that the said mill had been erected and built "longe tyme since as he hath herd" by some of his ancestors, and that ever since he and his ancestors, and his and their assigns, have continued in the quiet occupation thereof: that about 7 years ago "controversie did growe" between the said defendant and

<sup>1</sup> Duchy of Lancaster Pleadings, 16 Eliz. vol. li. F. No. 6.

<sup>2</sup> *Ibid.*, 18 Eliz. vol. lvii. F. No. 4.

certain persons as to the occupation of the said mill, and, the same being committed to the hearing of Edmund Winstanley, "stuard" of the complainant, it was agreed that, in consideration of the sum of 40s. to the said Edmund in hand paid by the defendant, he should hold and enjoy the said mill during the time that the complainant should be parson of Wigan; that the complainant fully agreed to this and appointed the defendant to make certain reparations on the said mill, which were done, to the value of 20 marks and above.<sup>1</sup>

The only decrees or orders with reference to this case that I can find are the two following; one of which was made in Trinity Term, 26 Eliz., 1584, in the matter of Edward Fleetwood, plaintiff, and Pennington and others, defendants, in which it is ordered that the said complainant may amend his bill as touching the usual suggestion for the maintenance of the jurisdiction of this court only, and also it is ordered that, forasmuch as Thomas Pennington, one of the said defendants hath in his answer disclaimed to the mill in variance, he, the said Thomas Pennington and his assigns, shall forthwith depart from the possession and occupation of the same, and as touching Robert Pennington, one other of the defendants, against whom an attachment was heretofore awarded calling upon him to make answer to the same bill, but who hath made no such answer, it is further ordered that if he do not, either by *dedimus potestatem* or otherwise, answer the said bill at or before Michaelmas next coming, then the said Robert to leave the occupation of the same mill until he shall have made a good and perfect answer to the said bill.<sup>2</sup>

The other decree was given in Hilary Term, 27 Eliz., February, 1584-5, in the matter of Edward Fleetwood, plaintiff, *versus* Langshaw and others, defendants. Upon the hearing of the

<sup>1</sup> Duchy of Lancaster Pleadings, *temp.* Eliz., vol. lxxxv. F. No. 3.

<sup>2</sup> Duchy of Lancaster Draft Decrees and Orders, Trinity 26 Eliz., July, 1584, Division 5 & 6.

matter on behalf of the plaintiff, in the absence of the defendants, it appeared to the Court that the plaintiff, in right of his church, is seised of the mill in controversy to him and his successors. It is therefore ordered that Robert Pennington, one of the defendants, shall presently avoid the possession of the said mill, and quietly permit the plaintiff and his assigns to occupy and enjoy the same ; and if William Langshaw, another of the defendants, shall not before the third return of the next term show some good cause for his occupation of the said mill, then it is ordered that the plaintiff shall have the possession of such part and parts of the said mill as the said Langshaw now occupies ; the plaintiff to have such costs and charges as shall be assessed by this Court, provided that the said plaintiff shall give notice of this order to the said Langshaw at or before the beginning of the next term.<sup>1</sup> This last decree seems to have determined the suit in favour of the rector.

Another bill of Edward Fleetwood, clerk, parson of Wigan, made in 18 Eliz., 1575-6, sets forth that whereas the said Fleetwood now is, and his predecessors parsons there "of long tyme" have been, lawfully seised in his and their demesne, as of fee as in the right of their said church, of and in the manor and lordship of Wigan, with the appurtenances thereof, whereof one parcel of waste ground known by the name of Whelley Lane, containing twelve acres, and lying on the east part of a parcel of the said manor called the Scoles, is parcel, and so being seised hath taken the profits thereof to his own use ever since he was parson there,—of late certain deeds, evidences, charters and writings concerning the said premisses, and of right belonging to the said Fleetwood, have casually come into the possession of Charles Banke, Robert Asteley, Raffe Fayrebrother, and Reynold Maudesley, who since Michaelmas last past have entered into the said waste ground "with force and wronge and thereof have by lyke force and wronge disseised and expulsed your seid Orator and [deprived

<sup>1</sup> Duchy of Lancaster Draft Decrees, Hilary 27 Eliz. Division 5 & 6.

him] of the profittes thereof in digginge coale pyttes and taking coales<sup>1</sup> out of the same to a great value," and although the said Fleetwood hath sundry times "most gently and frendly desyred" the said persons to deliver unto him the said deeds and to permit him to enter into and occupy the said ground, they refuse to do so, and do still withhold the said writings, neither will they permit him to take the profit of the said lands but appropriate the same to their own use.<sup>2</sup>

This dispute remained unsettled for many years and at length resolved itself into a controversy between the rector and the burgesses of Wigan for possession of the manorial rights. They were claimed by the burgesses as having been given to them by the charters of King Henry III. and parson Maunsell. Maunsell's deed had recently been confirmed by bishop Stanley, rector of Wigan, in 1561, and with a view to strengthening their claim it was enrolled in the court of chancery at the request of Charles Banke, Mayor, and the said burgesses, on 6th May, 27 Eliz., 1585.<sup>3</sup>

In the meantime Fleetwood had a lawsuit with Roger Bradshawe (Bradshaigh) of Haigh, Esq., for the recovery of tithes in the township of Haigh. This suit commenced about the year 1583, though it is recorded under 29 Eliz. (1586-7). In his bill of complaint he says that he has been for twelve years seised as of fee of the rectory and parsonage of Wigan, and is lawfully entitled to have all the tithe corn and grain within the town or hamlet of the Haghe, otherwise Haie, in the parish of Wigan. That Roger Bradshawe of the Haghe, Esq., and some of his ancestors have been farmers or tenants at will of the said tithes to Edward Fleetwood and his predecessors, and have paid rent for the same. The lease having expired, Roger Bradshawe has been accepted as tenant from year to year, but two years since the said Roger

<sup>1</sup> This is the first mention I meet with of coal being worked on the Wigan glebe.

<sup>2</sup> Duchy of Lancaster Pleadings, 18 Eliz. vol. lx. F. No. 1.

<sup>3</sup> *Vide ante*, p. 11.



claimed the inheritance of the said tithes, and hath neglected to make due satisfaction for the same, but hath got together certain books of account and other writings belonging to the said Fleetwood. In consequence of which Fleetwood discharged the said Bradshawe from the occupation of the said tithes and warned him to meddle no further with them. The said Bradshawe, however, hath wrongfully taken the said tithes to his own use. In his answer Roger Bradshawe, Esq., defendant, denies all the statements made by the complainant; and Fleetwood in his reply reiterates all he had formerly stated.<sup>1</sup>

Since no decree can be found in this case I presume that the parties came to terms, and that Fleetwood recovered the tithes, which are still in the rector's possession.

On 30th May, 1595, parson Fleetwood prefers a fresh bill in the Duchy court complaining of the usurpation of the burgesses and asking for a remedy. This document is unfortunately in very bad condition, and in many places illegible, but as it is a document of some importance in connection with the exercise of the manorial rights of the township of Wigan I shall here give as much of it as can now be deciphered:—

"In moste humble wise complayninge, showeth unto your honor your supplyaunt and dayly orator Edward Fleetwood, parson of [Wiggan in the] countie of Lanc', clerke, that whereas your said orator and all his predecessors, the late parsons of the said rectorie and parsonage, [by all the time whereof the] memory of man ys not to the contrary, have been seized in their demesne as of fee, as in the right of their church of [and in the mannor lordshipp or towne of Wiggan] in the said countie of Lanc' with the appurtenances, and of and in all and singler the demesne lands and other the . . . . . parcel of the said mannor lordshipp or towne of Wiggan, and also of and in certaine annuall rentes being rente service . . . . . tenementes and hereditaments sett lyinge and

<sup>1</sup> Duchy of Lancaster Pleadings, 29 Eliz., vol. ci. F. No. 2.

beinge within, and parcell of, the said lordshipp mannor and towne of Wiggan aforesaid . . . . . the said mannor amounting to the some of twentie three poundes or verie neare thereabout, and likewise also of and in . . . . . liberties profyttes and appurtenances unto the said mannor lordshipp and towne of Wiggan and other the said premises beinge . . . . . rentes, suites, services, franchises, liberties, profyttes and appurtenances, your said orator and all his predecessors the parsons of the said . . . . . bene seised in right of their church of Wiggan aforesaid and thereof have had seisin by the payment of the tenants of the . . . . . his and their verie tenants and likewise also is and have been seised in their demesne as of fee, as in the right of their said [church], . . . . . tenementes rentes and hereditaments sett lyinge and beinge in Wiggan aforesaid as parcel of the said lordshipp mannor or towne . . . . . value of tenn poundes; and whereas also your said orator and his predecessors, parsons of the said rectorie and parsonage of Wigan . . . . . parcell of the said wastes and waste groundes lyinge within and beinge parcell of the said mannor lordship and towne . . . . . thereon and rented the same and have been seised and had full possession and seisin of such said rentes; and whereas [your said orator and all his predecessors the parsons] of the said rectory and parsonage, by all the tyme whereof the memory of man ys not to the contrary, have been seised in their demesne [as of fee, as in right of their church of Wiggan aforesaid], of and in one great howse or buildinge standinge and beinge in Wiggan aforesaid commonly called the Moot hall of the said towne . . . . . belonging unto the said mannor and rectory of Wiggan and wherein your said orator and all his predecessors the parsons of Wigan [and lords of the] said mannor lordshipp and towne of Wiggan have by all the tyme wherein the memory of man ys not to the contrary kept . . . . . whereunto all the freeholders

of the said mannor lordshippe and towne of Wigan do owe  
 suit and service ; and whereas . . . . . of the  
 said rectory and parsonage have from tyme to tyme and by all  
 the tyme whereof the memory of man ys not to the contrary  
 . . . . . thereof unto them made, the cer-  
 tentie whereof your said supplyaunt knoweth not for want of  
 havynge of the said charter by . . . . .  
 mannor or towne of Wigan aforesaid kept courtes viz : as  
 well courtes Baron from three weeks to three weekes whereunto  
 all the f . . . . . as aforesaid as also two  
 courtes Leetes yearly for and within the said mannor lordshipp  
 or towne of Wiggan aforesaid and also two fayres . . . . .  
 . . . . . said mannor lordshipp or towne of Wiggan  
 and have likewise also from tyme to tyme taken and had and  
 used to take and [have] . . . . . happeninge  
 or chauncinge within the said mannor lordshipp or towne afore-  
 said as parcell of incident or belonginge unto . . . . .  
 . . . . . enjoyed divers other fraunchyses, liberties, privileges,  
 commodities, appurtenances, emollmentes and hereditaments  
 unto the said mannor . . . . . by force  
 of such said auntyent charters thereof amongst other the pre-  
 mises and other thinges thereof unto them maid or els by  
 prescription . . . . . , . . . . all other his predecessors,  
 the parsons of the said rectory and parsonage lordes owners or  
 inheritors thereof have from tyme to tyme . . . . .  
 . . . . . profyttes, issues and commodities thereof  
 coming to their and every of their owne uses accordingly ; but  
 now so it is if it may . . . . . auntyent  
 charters, scriptes, wrytinges, evidences, muniments and court  
 rooles of right belonging unto your said orator and . . . . .  
 . . . . . misses . . . . . tytle in and  
 unto the said premisses are now of late by usuall meanes come  
 unto thandes, custodie and possession of [Francis Sherington  
 Mayor of the] Burrowe of Wiggan aforesaid, William Lathwaite his  
 Balyffe, William Leigh seriaunt, William Foore potter, Edmond

Ch[alenor] . . . . . of the said towne and  
Myles Gerrard of Ince in the said countie of Lanc' gent. . . .  
. . . . . Maior and burgesses of the said towne to be lordes  
and owners of the said town and the burgesses of the same  
Burrowe . . . . . wastes thereof and by  
pretence thereof, of their owne wronge and without any right or  
tytle or color of right or tytle so to do, . . . . .  
. . . . . laste past improved dyvers parcells of the said comons  
and waste groundes late lyinge within the said mannor lordshipp  
or towne of Wigan beinge . . . . . erected  
and builded howses thereupon and have rented the same and  
have placed tenantes therein, and by color thereof the said  
. . . . . howses, edifices and buildinges  
upon parcell of the soile and inheritaunce of your said supplyaunt  
in the right of his church . . . . .  
. . . . . great annoyance of her Majesty's people and losse  
of your said orator; and yet not so contented the said Maior  
and burgesses . . . . . and wronge and  
by pretence and color of tytle as aforesaid have vewed and sur-  
veyed such . . . . . said comons  
and wastes soile and ground of your said supplyaunt within the  
said lordshipp manor or towne of Wigan . . . . , . . .  
. . . . . one Hugh Langshey by the assent of your said orator  
was in setting upp, erecting and buildinge uppon . . . . .  
. . . . . the said wastes of the said lordshipp  
manor or towne of Wiggan aforesaid to be pulled down and  
overthrowen by one . . . . . Edmond  
Chalenor an alderman of the same, and have likewise unlaw-  
fully digged delved and made mynes for cooles . . . . .  
. . . . . demesnes of the said mannor, lordshipp  
or town of Wigan without the assent of your said orator or of  
any . . . . . the said . . . . . thereof  
are made impassible and have likewise of their owne torte and  
wronge . . . . . last paste taken  
and yet do take all such wayves and straves as happen or chaunce

. . . . . converted and taken and yet  
 do convert and take to their owne uses and behoof . . . . .  
 . . . . . aforesaid and thereof do unlawfully deteine  
 and keep the possession from your said orator . . . . .  
 . . . . . of for and within the said manor lord-  
 shipp or towne of Wigan aforesaid viz: . . . . .  
 . . . . . as well much and greatly  
 increased inanced and rased the fees of the said . . . . .  
 . . . . . and payable within the said court baron of the  
 said lordshipp manor or towne of Wigan . . . . .  
 . . . . . have notwithstand-  
 inge such great fees so by them taken as aforesaid used as  
 . . . . .  
 oppressions and losses of her Majestie's poore subjects being  
 sutors . . . . .  
 . . . suffered your said orator being lord of the said mannor to  
 . . . . .  
 . . . . . answeere in an action of debt of 24s. taken against  
 him by one Thomas . . . . . attorney . . . . .  
 . . . . . nor any other his predecessors parsons of the  
 said rectorie or parsonage have ever bene . . . . .  
 . . . . . manor or towne of Wigan and of such courtes  
 Baron ther kept and have in like manner in their owne name  
 kept and . . . . . within the said lord-  
 shipp mannor or towne of Wigan which in right belongeth and  
 hath the tyme owte of mynd of man . . . . .  
 . . . . . courtes injuriously kept the said Maior and burgesses  
 in their owne right and names afore said as well dyvers persons  
 . . . . . mannor or towne of Wigan  
 and holdinge their landes and tenements of your said orator, as of  
 his said [church] . . . . . to pay unto your  
 said orator certeine quite rentes have been encouraged to with-  
 hold their said rentes . . . . .  
 . . . one William Foord alderman of the said towne or bur-  
 rowe who hath withdrawen certeine free rentes . . . . .

. . . . . and in regard that the said courtes  
are kept by the said Maior and burgesses in their . . . . .  
. . . . . redresse nor otherwise cannot have any due  
remedie for many other injuries and wronges to . . . . .  
wayes and other passages which do lye most fytt for your orator  
his use and purpose and by the which your said . . . . .  
. . . . . as aforesaid and by authoritie thereof have of their  
like tort and wronge directly against the lawes and statutes . .  
. . . . . your said orator his tenantes and pre-  
judiciall to the inheritance and right of your said orator and of  
the said . . . . . stallages  
and taxes not only upon your said orator his said tenantes and  
of those that are . . . . .  
intent and purpose to maintayne the excessive wages of the said  
Maior and his officers . . . . . and accus-  
tomed in the said towne and yett all theis notwithstandinge  
. . . . . make levies to impose  
taxes and stallages yet do not in any wise . . . . . towne  
but contrariwise do very negligentlie or rather . . . . .  
. . . . . such an unreasonable rate of ale even in the deare  
. . . . . drounkennes and idlenes and the  
service of God neglected . . . . .  
to . . . . . the revenewe of the said  
rectory and parsonage . . . . .  
without any right or tytle so to do have kept the said fayres  
. . . . . taken the toll of all the wayes with  
great extremitie not only of . . . . . and  
also by force of dyvers other hard and extreme orders . . . .  
. . . . . impoverishing of the poor inhabi-  
tants of the said . . . . . and of the  
officers where with all th'inhabitanes of the said manor or towne  
of Wiggan . . . . . hundreth at the least  
have made their humble suite to the said Maior and . . . . .  
. . . . . in verie extreme sorte aggravat  
their extreme dealinge whereupon . . . . .

and his successors and also tendering the common good of the  
said towne . . . . . his brethren tutching  
the matters of his right in the premisses and hath yielded him  
. . . . . said Maior and burgesses  
wold in no wise concent but utterly refuse . . . . .  
. . . . . dealing with your said orator contrary to  
all lawe righte equitie . . . . . beggaringe of  
the inhabitants of the same . . . . .  
the watercourse of one water . . . . . of  
their comon course and channell into his . . . . .  
. . . . . milne belonging unto and beinge parcell . . . .  
. . . . . many times in most gentle and  
frendlie . . . . . likewise also  
William Lathwait, baliffe, William . . . . .  
Myles Gerrard of Ince gent and . . . . .  
. . . . . suffer your said orator and his undertenants . . . .  
. . . . . thereof to take the rents,"<sup>1</sup> &c.

The remainder of the membrane is so utterly disconnected and vague that it would be useless to attempt to transcribe it.

It is probable that a commission was issued to enquire into the matter; and the pretensions of the Mayor and burgesses may be guessed by the replication of Fleetwood to the answers of Francis Sherington and others. The case of the defendants will have been strengthened by several years' possession and by the influence and authority of the aldermen, who, being hereditary burgesses as holding burgages within the town, had probably been chosen with a view to this controversy, and whose rank and position in the neighbourhood would have naturally had much weight with a local commission. The complainant's replication is as follows:

"Whereas the defendants say that there are annually elected a Mayor, two bailiffs and sundry burgesses, for the town and borough of Wigan, the present aldermen being the Earl

<sup>1</sup> Duchy of Lancaster Pleadings [Eliz.] vol. cxxxiii. F. No. 8.

of Derby,<sup>1</sup> Sir Thomas Everard, knight, Thomas Holcrofte,<sup>2</sup> John Atherton<sup>3</sup> and Myles Gerrard,<sup>4</sup> Esquires;" complainant says that "altho' the town of Wigan be an ancient borough by force of some ancient charters granted by the Kings of the realm to the late parsons of Wigan, yet the said burgesses have not any grant whereby they may be enabled to have a Mayor to be head of their corporation, but that the same, with many other privileges by them challenged, are and have been for divers years used by mere usurpation, and that if any of the said honorable persons named have been, or are, aldermen it is of very late years, or done without due rite.

<sup>1</sup> Henry Stanley, fourth Earl of Derby, who succeeded in 1572 and died in 1593. His wife Margaret was the daughter of Henry Clifford, Earl of Cumberland, by Eleanor his wife, daughter of Charles Brandon, Duke of Suffolk, and Mary, sister to King Henry VIII., so that she was very nearly related to Queen Elizabeth.

<sup>2</sup> This Thomas Holcroft, Esq., was probably the son and heir of Sir Thomas Holcroft, knight, grantee of the dissolved monastery of Vale Royal in Cheshire, and younger son of John Holcroft of Holcroft, in the county of Lancaster. The younger Thomas Holcroft was afterwards knighted by King James I., in the palace gardens at York, on Sunday the 17th of April, 1603 (Ormerod's *Cheshire*, vol. ii. p. 75; *Palatine Note Book*, vol. ii. p. 164). There was another Thomas Holcroft living about this time, who was a younger son of Sir John Holcroft of Holcroft, knight, but this last Thomas Holcroft was a priest (*Local Gleanings relating to Lancashire and Cheshire*, vol. ii. p. 122).

<sup>3</sup> John Atherton of Atherton, Esq. (son of Sir John Atherton, knight), who was sixteen years of age at the time of his father's death in 15 Eliz. By his first wife, Elizabeth, daughter of Sir John Byron, knight, he was father of another John Atherton (Dugdale's *Visitation of Lancashire*), who is now represented by Lord Lilford, owner of Atherton Hall.

<sup>4</sup> Myles Gerrard of Ince, Esq., was the son and heir of William Gerrard of Ince, by his wife Jane, daughter of Sir Alexander Osbaldeston, of Osbaldeston, knight, and grandson of Myles Gerrard of Ince. The squire of Ince and alderman in question had been imprisoned as a popish recusant in 1593, and accused of harbouring divers seminary priests contrary to the statute. With this he was charged by Bell (a seminary priest who had turned informer). He was examined in April, 1593, by Dr. Goodman, Dean of Westminster, and said that he had frequented the church these seven years, but he had not received the communion; he desired respite and conference therein, hoping that he should conform himself. He had never taken the oath of allegiance, but was willing to take it if it should be tendered (Strype's *Annals*, vol. vii. p. 262.)



[And] whereas the defendants say that King Henry III., by his letters patent did grant unto John Mansell, then parson of Wigan, that the said town should be a free borough for ever, and did grant that the burgesses should have divers liberties and customs to keep yearly courts and to have divers profits and commodities within the said town, and that John Mansell by his deed gave and granted to the burgesses of Wigan, their heirs and assigns, that they should have their town free, and all customs rights and privileges which the said replicant and his predecessors have and yet do retain from the defendants, and by the said deed did reserve unto him [John Mansell] and his successors certain yearly rents by him alleged to be given for all services, exactions and demands; and that afterwards the said deed of John Mansell was confirmed by Robert Bannester, patron of the said rectory, and Roger then Bishop of Coventry, by virtue of which the predecessors of the said defendants were seised in their demesne as of fee of and in the town and borough of Wigan and the profits and liberties, neither the said Fleetwood nor his predecessors having any right to any part of the said borough;” Fleetwood replies that the said burgesses “have no right by charter to keep the courts leet nor any other court claimed by him in his bill of complaint,—nor any right to the customs and liberties or other things by them alleged; that the supposed grant was made to the burgesses of Wigan, their heirs and assigns, and not to their successors, and that the said grant is void because they have not proved that they had at any time been incorporated by the name of the burgesses of Wigan and so at the time of the said supposed grant there was not any such corporation, and if they then had a corporation incorporated by the name of the Mayor, bailiffs, aldermen and burgesses of Wigan, as they pretended to have, the supposed grant was and is void in law, the corporation not being rightly named therein: also that the courts which were then kept were kept and used by the Stewards and bailiffs of the then parsons of Wigan, the said parsons being then and ever since lords and

owners of the lordship and manor of Wigan: that the charter granted to John Mansell by Henry 3rd, by which the town was made a free borough, was forfeited by a *Quo Waranto*, and that afterwards, by the grant of King Edward the 3rd, the same was renewed and confirmed unto the then parson of Wigan, with the limitation that the said parsons should enjoy the same; which hath been the case until of late years the Mayor and burgesses of Wigan by reason of some grant or agreement given to them by Thomas Stanley late bishop of . . . have usurped the same." [The last part of the first membrane of this document is very faint]. The complainant denies that the Moot hall is the inheritance of the said burgesses or that they and their predecessors have lawfully kept "courtes Baron, courtes leetes, and other courts, fairs, [and] markets" and taken all "wayffs and strays" within the said town, or received the profits thereof except for the last 34 years, during which time they have wrongfully usurped the same: that the said defendants had no right to pull down a wall or building erected by Hugh Langeshawe upon the Wawkmilne green, nor to stay the building of any houses or erections upon the waste ground."<sup>1</sup>

The suit resulted in a compromise, by which the Mayor and burgesses acquired certain rights which had formerly belonged to the parsons. The decree which was delivered in 39 Eliz., 1596, is as follows,—It is ordered by the court that the said Mayor and burgesses and their successors shall and may from henceforth keep all such courts as by them and their predecessors have heretofore been usually kept only by themselves (except the leets) and take the profits thereof to their own uses; and as touching the leets that are to be kept there [at the Moot hall] the complainant may from time to time appoint some discreet man to sit as his steward with the Mayor and burgesses or their steward, and the profits of the leets to be equally divided between the plaintiff and defendants. Touching the digging of

<sup>1</sup> Duchy of Lancaster Pleadings, 39 Eliz., vol. cxlviii. F. No. 9 [1596].

clay and stone, it is ordered that the defendants and their successors may dig clay and stone as they have used to do, saving that the ways are to be amended in as short time as convenient, and that the moat<sup>1</sup> of the plaintiff shall be amended by the defendants if it have received any hurt. Touching the fairs and markets<sup>2</sup> and the profits of the same it is ordered that the same may or shall be kept and taken by the defendants and their successors, saving that as touching toll stallage and such like it is ordered that the said defendants and their successors shall not take any greater toll upon the tenants of the plaintiff than heretofore hath been accustomed, and a commission is this day awarded to Edward Challinor, now Mayor of Wigan, Richard Molyneux of Hawkeley, gentleman, John Wrightington, Esq., and William Leighe parson of Standishe, authorising them thereby to apportion such rents as are in arrear to the plaintiff, which being done the defendants have assented that all arrearage of such rents shall be satisfied to the plaintiff and to do their best for the quiet payment thereof hereafter. Dated 27th November, 1596.<sup>3</sup>

After this Fleetwood had several other lawsuits for the recovery of his lands and tithes. By a bill of 16th November, 1598, he complains that being seised, as parson of Wigan, of the manor of Wigan, with the rights and appurtenances thereof and of and in the demesne lands of the said manor (of which one close or meadow ground near the town of Wigan is part) and of divers messuages, burgages, shops, lands and tenements situate in Wigan as belonging to the said manor, and of one messuage with appurtenances in Wigan of the yearly value of 30s., and of one butcher's shop under the Moot hall of the yearly rent of 5s. now or late in the tenure of James Hyde,—the said James Hyde, Roger Ryecroft

<sup>1</sup> There was formerly a moat round the old Hall at Wigan, which was only filled up about the beginning of the present century.

<sup>2</sup> The decision affecting the markets and affairs was modified by another decision given about 20 years later.

<sup>3</sup> Duchy of Lancaster Draft Decrees and Orders, 38 & 39 Eliz., vol. xxi. fo. 700.

and others, having obtained possession of sundry charters and writings concerning the said close and messuage, have joined together to defraud the said Fleetwood of the rents and profits of the same and to disinherit him and his successors thereof. That in or about the 11th of July, 1598, "armed, arayed and weaponed in very warlicke and outragious maner with swordes, daggers, long pyked staves, billes, pitchforkes, and other engynes and weapons as well invasyve as defensyve" they assembled at night near Wigan with the intent to carry away the said Fleetwood's hay, then newly mown and waiting to be removed, burst in sunder a certain gate and carried away the said hay amounting to 10 or 12 cartloads, to the house of Hyde, and did also assault and wound some of Fleetwood's servants, who were sent to stay their riotous behaviour, and caused the said servants to be hindered by the bailiffs. The said defendants still keep possession of the said meadow with the profits thereof, contrary to all right and equity.

In his answer James Hyde says that he and his ancestors have been tenants of the said messuage and land for 80 years and more. About 18 years ago the defendant's father arranged a marriage between Katherine, daughter of Thurstan Pemberton, and the said defendant, and the said Pemberton desiring to know the position of his intended son-in-law went to Fleetwood to enquire whether the said James Hyde should have the said messuage and land at his father's death, to which Fleetwood agreed, and the marriage took place. He declares that the hay was his by right, and that he took possession of it in a peaceable manner.<sup>1</sup>

The other defendants also deny the charge of riot and unlawful assembly. Roger Ryecroft says that he has occupied "two bayes of howsynge" and a garden as undertenant to James Hyde for 10 years at a yearly rent of 8s., and James Kydde *alias* Ireland says that he has occupied a shop as undertenant to James Hyde and his father, the late William Hyde, for the space of 44 years

<sup>1</sup> Duchy of Lancaster Pleadings, 40 Eliz., vol. cxli. F. No. 14.

at a yearly rent of 4s. Fleetwood repeats his charge against them, that they had violently and unlawfully broken into his fields and carried away his hay, illtreated his servants and procured their wrongful arrest and imprisonment, that the said Hyde unlawfully kept possession of his meadow, and that he and other of the defendants had intruded into the possession of the messuage, tenement and shop mentioned in the bill, detaining the rent due for them, and had framed and contrived sundry leases and other conveyances to the prejudice of the complainant's rectory and church.<sup>1</sup> A commission was issued, but I find no decree in the matter, which was probably amicably arranged, as the "parson's meadow" (which appears from the after pleadings to have been the close or meadow in question) is now held in demesne by the rector.

There was also a complaint laid by Fleetwood in the Duchy court on 28th April, 1598, against Rauffe Worseley, gent., John Bankes, Thomas Snarte and Henry Bibby, for a riotous assault. There is no bill recorded, but Rauffe Worseley denies the charge of riot, and speaks of himself as one who was a "dutifull comer to the church, and a dutifull hearer of dyvine service, and so hath alwaies bene, and hath also moved and persuaded divers others to doe the lyke, whych have bene, and yett are, backward in religion, as he thinketh much the rather by reason of the neglecte and contempte of the complainant (Fleetwood) in not observing that forme and order of praier and admystration of the Holye Sacraments whych ys, to this defendant's knowledge, appoynted by the boke of comon prayer." A commission was issued and a list of interrogatories drawn up to be administered to certain of the defendants, as to whether Robert Thompson,<sup>2</sup> minister of Wigan, was assaulted by the said defendants, struck on the head with staves, otherwise illtreated and his hat knocked off, also as

<sup>1</sup> Duchy of Lancaster Pleadings, 41 Eliz., vol. cxlviii. F. No. 2.

<sup>2</sup> Robert Thompson, the curate, must have been quite a young man, for on 10th June, 1601, he gave his age as 28.

to whether defendant Snarte called the said Thompson a "red-hedded knave," and said to him "Farewell and be hanged," or other such "disdainful speeches." <sup>1</sup>

From the Book of orders and decrees <sup>2</sup> it transpires that the defendants did not appear in court in the following February when summoned to make answer to the charge, but it was offered on their behalf that they would personally appear there in the first return of the next term, when they would likewise be called upon to answer for their contempt of court, and John Bankes would also have to answer for having used contemptuous and opprobrious words to the plaintiff after the privy seal had been served upon him. They appeared accordingly at Easter, 1599, and were committed by the Chancellor to the custody of the Messenger of this court for their several contempts. At Michaelmas they had further respite granted to them to shew cause why the charge should not be heard and determined on the 5th February, 1600, after which there is no further mention of the suit, which was probably withdrawn on the parties coming to an amicable settlement.

The last lawsuit in which I find parson Fleetwood engaged was one with the Earl of Derby for possession of the tithes of Dalton and Upholland. In this case the Earl of Derby was the plaintiff. It appears that the Earls of Derby had long held the tithes of the townships of Dalton and Upholland at a low rent, and now claimed the right to hold them in fee on payment of the said rent as a composition or *modus*. Fleetwood therefore commenced the dispute by sending his servants to carry off his tithes of corn and grain in kind. In his bill, Lord Derby asserts that he and his ancestors have been accustomed to pay unto the parsons of Wigan the sum of £12 13s. 4d. yearly in full satisfaction of the tithes of corn and grain growing within the towns, lordships, hamlets and fields of Holland and Dalton; that Henry VII., by his letters patent bearing date 25th February, 4 Henry

<sup>1</sup> Duchy of Lancaster Pleadings [41 Eliz.], vol. xli. F. No. 15.

<sup>2</sup> Duchy of Lancaster Draft Orders and Decrees, 39 & 40 Eliz., vol. xxii. fo. 428. *Ibid.*, Easter, 41 Eliz., fo. 491. *Ibid.*, 41 & 42 Eliz., fo. 631.

VII. (1488-9), granted to the complainant's ancestor, Thomas, Earl of Derby, the said manors, lordships and tithes, to him and his heirs. By virtue whereof the said Earl of Derby was of them lawfully seized as of fee tail. In the month of August last past, or thereabouts, Edward Fleetwood, clerk, parson of Wigan, having obtained possession of divers ancient writings testifying the continued use and occupation of the said tithes by the said complainant's ancestors, by force of the same called in question the validity of the said customs, and did confederate with Robert Thompson and other persons, endeavouring to obtain possession of the said tithes. During the months of August and September, in unlawful manner, they did break into and enter at different times the divers closes and parcels of ground in Dalton and Holland, being arrayed with swords and other weapons, and did carry away the corn and assault Christopher Robie, John Berrye and Robert Byllinge, the complainant's officers for the gathering of the tithes.<sup>1</sup> Fleetwood's case is that "whatever the complainant or his ancestors have enjoyed of the said tithes has been obtained at and by the special licence and consent of the said Fleetwood and his predecessors, parsons of Wigan, for a certain yearly rent, and that the late Earl of Derby did often acknowledge that he was tenant of the said tithes unto Fleetwood, without claiming any right of inheritance; that the complainant and his ancestors have paid a yearly rent of £12 13s. 4d. unto the parsons of Wigan for the said tithes."<sup>2</sup>

The decree of the court, in the matter of William, Earl of Derby, plaintiff, and Edward Fleetwood and others, defendants, was given at Easter, 43 Eliz., 1601, as follows: "Whereas upon the hearing of the matter in variance between the said parties and debating thereof in open court two several days by counsel learned of both parts, the last term before Mr. Baron Clerke and other her Majesty's commissioners of this court, it was ordered

<sup>1</sup> *Duchy of Lancaster Pleadings*, 43 Eliz., vol. clxii. D. No. 4.

<sup>2</sup> *Ibid.*, vol. clvii. D. No. 3 & No. 8.

that if the said cause touching the tithes in controversy should not be compounded at or before the third return of this present term, that then the said defendants were dismissed unless the complainant shall show better matter than had been by him shewn; and as touching the riots, forasmuch as the said complainant hath not shewn any better or other matter, neither is the cause compounded, as both parties do confess, therefore it is ordered that the said defendants as touching the tithes in controversy be henceforth dismissed, and as touching the riots, the same to be heard when the plaintiff shall call the defendants by process of this court *ad audiendum judicium*." <sup>1</sup>

Though Lord Derby took nothing by his lawsuit against Fleetwood it does not appear that the latter ever recovered his tithes. The chief portion of the tithes of Upholland and Dalton are still held by the Earl of Derby's assigns, and the same *modus* of £12 13s. 4d. is still paid, namely £8 8s. 10½d. from Upholland and £4 4s. 5½d. from Dalton, the portion that belongs to the rector besides this *modus* being, as I suppose, the small tithes of hay, &c.

Parson Fleetwood lived at a time when religious differences ran high, especially in Lancashire, where parties were more evenly divided than they were in other parts of England. He was himself a zealous reformer, and took an active part, as a justice of the peace, against the Popish recusants, as they were called.

The papal bull for the deposition of Elizabeth in 1570, declaring her an excommunicated heretic, and as such depriving her of her pretended title to the crown, had served to bring out England's loyalty towards her, while the horrors of the butcheries of Alva the Spanish general in the Netherlands, and the massacre on St. Bartholomew's day, revived the memories of the bloodshed of Mary's reign. These national sentiments greatly strengthened the hands of Elizabeth, and enabled her to enforce the act of

<sup>1</sup> Duchy of Lancaster Draft Decrees and Orders, Easter, 43 Eliz., vol. xxiii. fo. 365.



Uniformity in 1579. But while the country was quietly settling down to the reformed religion, the zeal of the seminary priests, who came over in 1576 from the college at Douay, stirred up many of the Roman Catholic gentry to resistance. By the bull of deposition Rome had set herself in the fore front of the Queen's enemies, and Elizabeth, accepting it as a declaration of war, naturally viewed the Douay priests, sent over by the pope, as his political emissaries.

This will account for much of the persecution that followed. The comparative toleration of the Roman Catholics during the early part of her reign had arisen partly from the sympathy and connivance of the gentry who acted as justices of the peace, and partly from the Queen's own impartiality. But the act of uniformity placed the magistracy in the hands of the reformers; and as Elizabeth passed from impartiality and indifference to suspicion, and from suspicion to alarm, she put less restraint upon the bigotry of those around her.<sup>1</sup>

In 1580, when two thousand papal soldiers were sent over in five ships to Ireland to stir up the people to rebellion, Edward Fleetwood, rector of Wigan, John Caldwell, rector of Winwick, and John Asheton, rector of Middleton, three of the Lancashire clergy, were, on the 29th September, 1580, required by the Queen in Council to fit out each one light horseman by the 20th of October next following, for the service of the Queen in Ireland "to resiste certain foraine forces sent by the Pope and his confederates."<sup>2</sup>

On 1st September, 1585, Mr. Fleetwood, M.A., parson of Wigan, with Mr. Leigh, B.D., parson of Standish, Mr. Welshe, the vicar of Blackburne, and Mr. . . . the vicar of Lancaster, were appointed by William Chaderton, bishop of Chester, to be moderators for the deanery of Amounderness, who were ordered

<sup>1</sup> Green's *History of the English People*, vol. ii. p. 407.

<sup>2</sup> Peck's *Desid. Cur.*, vol. i. p. 95, as quoted by Canon Raines in *Stanley Papers*, part ii. (Chetham Tract xxxi.) p. 132; Baines' *Lancashire*, vol. i. p. 535.

to hold their first *exercise* at Preston on the 4th Thursday in the month of February.<sup>1</sup>

In January, 1586, Fleetwood was one of those ordered to provide one horse with furniture, or else £25 to enable such horse and furniture to be purchased on the Continent, for the expedition to assist the Hollanders in the Low Countries against the King of Spain.<sup>2</sup> In the same year he was one of the Lancashire Magistrates who signed the injunctions sent to churchwardens and constables to suppress the violation of the Lord's Day occasioned by wakes, fairs, bull-baitings, pipings and huntings in time of Divine Service, and ordered that not more than a penny should be charged for a quart of ale.<sup>3</sup>

At this time men's minds were much exercised by the thought of a threatened Spanish invasion, and the seminary priests were very active in stirring up popular feeling in favour of the Spanish King. The popish recusants, therefore, and all who were believed to harbour the seminary priests, were closely watched, and Fleetwood made himself particularly busy in this matter.

It was deemed essential by those in authority, at this critical period, that the county magistracy should be sound and well affected towards the government; and although the Earl of Derby did not conceive any material change to be necessary, the lord treasurer, on the suggestion of Edward Fleetwood, rector of Wigan, and others, caused a new commission to be issued, in which the names of several fresh magistrates were introduced,

<sup>1</sup> Strype's *Annals*, vol iv. pp. 547, 548. The clergy who failed to attend these exercises, which were intended for "the furtherance of the good proceeding and course of religion," were to be fined heavily, according to their degree. They were all to meet at 8 o'clock in the morning, and so continue till 10. From 10 to 11 a sermon was to be made by one of the moderators, on the same text of Scripture which had been handled and treated of before by the speakers and writers. From 11 to 12 they were to take their repasts and refreshing. They were to meet again before 1 and so continue till 3, in March, April, May, June, July and August; and till 2 in the months of September, October and February. All the people and the whole congregation were to resort to the sermon, but none to the other exercise but the clergy.

<sup>2</sup> Baines' *Lanc.*, vol. i. p. 541.

<sup>3</sup> *Ibid.* vol. i. p. 550; vol iii. p. 543.

and a considerable number of those who were thought to be favourable to the recusants omitted.<sup>1</sup>

It is clear that the newly commissioned justices entered upon their work with renovated vigour. Among the Harleian MSS. (cod. 360) at the British Museum are a number of original papers relating to "recusants and other religious criminals." One set of these papers record the names of such as were "detected for receipting of priests, seminaries, &c., in the countie of Lancaster." They are scheduled as having been pointed out by different informers—clergy, churchwardens and others; and among them occurs the following record, "this appeareth by the pn<sup>d</sup>tm<sup>e</sup> of the pson of Wigan. These Persons pn<sup>d</sup>ted (by greate and Co<sup>m</sup>on fame and reporte) to be receipto<sup>rs</sup> of Priests hereafter named, vj. Bell: Buxton: Mydleton. Alex: Gerrerde brother to Miles Gerrerde of Innce esquier; James Foorde son to Alex Fourde of Swindley gent.; John Gardner brother to Rob<sup>t</sup>e Gardn<sup>r</sup> of Aspull gent.; Alex: Markelande sonne to Mathewe m<sup>k</sup>elande of Wigan; Pilkington borne in Standishe p<sup>r</sup>ishe; Worthington borne in the same Parishe; Stopforth.<sup>2</sup>

But the full result of this new commission may best be gathered from the following letter of Parson Fleetwood to the lord treasurer (Burghley), which is dated from Wigan on 7th September, 1587, and preserved by Strype.<sup>3</sup>

"Rt. honorable,

Being by your special good favour made acquainted with your honourable action, concerning the placing and displacing of the justices of the peace in the county of Lancaster, I have thought it my part to advertise you of the sequel thereof: which [that] I might the more fully be able to do, I bestowed my attendance at the assizes, when I perceived in them that stand displaced no small indignation towards those whom they could any ways suspect to have been furtherers, or suppose to be favourers, of that honourable action. Wherewith also they presumed to possess the rt. honorable the Earl of Derby, as of a matter of no small

<sup>1</sup> Strype's *Annals*, vol. v. p. 702.

<sup>2</sup> Baines' *Lancashire*, vol. i. p. 543.

<sup>3</sup> *Annals*, vol. vi. p. 488; from Cotton MSS. "Titus." b, 2.

dishonour unto him and deep discontentment. Whereupon for the present time and place I thought good (myself remaining in some part of jealousy with them) in general to lay forth, as occasion served, in the pulpit to their faces, that which before I had more particularly delivered to your honour concerning the corrupt state of the whole country; that every guilty conscience of them might gather up that which was due unto it. Whereof it pleased my lords the judges to take so good notice, that they delivered the chief points thereof after to the juries in charge, and the same also more especially recommended to the justices of peace, to be in their continual service regarded. All which so nearly touched the guilty consciences of the discontented sorts, that they began, for the residue of the assizes, to pluck down their high looks, and somewhat better to pacify their discontented minds, and to brook their emulated friends, than before they seemed to do. After which immediately when matters were at the hottest, I also thought good to attend the rt. honourable, my very good lord the Earl of Derby, by way of accustomed duty, which I accordingly did; thereby to give opportunity to his lordship of speech in the premised matters, and myself also to win occasion to lay forth that to his honour concerning the unsoundness of divers of his council, as might either fully satisfy his lordship, or at the least clearly justify your honour's most considerate action. But I obtained not one word of the premised matter, tho' I endeavoured to stir him up thereto by many words on my part uttered concerning your honour's direction of the ecclesiastical commission: whereat he seemed to have great good liking, and professed his best furtherance thereto. Wherefore, however, the discontented sort (the rather to countenance their discontented state) will seem to cast upon his lordship a prefixed purpose of discontented expostulation; yet I am persuaded, when he shall come in presence with your honour, it will be wholly turned into an honourable request of a most dishonourable matter. Wherein that your honour should not be narrowly overtaken, as unfurnished of sufficient intelligence, I have with all speed adrest these my letters to your honour, as soon as I understood of the Earl his sudden departure towards the Court; by which to give your honour to understand, that as our state standeth the satisfaction of his lordship's request, or rather of the suggestion of some evil instruments about him, shall breed not a little inconvenience to your honour, his honour their reformation that are

displaced (*sic*), to the public service, and to the good estate of the sincere professors, both of the commission and of the whole country. For first it shall argue your honour's former action of insufficiency; being indeed in all judgment of those that fear God among us most sincerely, discretely, and fully to all good purposes accomplished, both for the sincere comfort of the faithful professors of the truth, and the rare disparagement of the adversaries thereof in our country. Then it shall not a little nourish in the Earl that humour of careless security in tolerating, and no ways soundly reforming, the notorious backwardness of the whole company in religion, and chief of the chiefest about him. In sum, it shall harden the discontented in their former state of unsoundness; it shall drive the zealous gentlemen from the public service, and settle in the minds of all the true professors an utter despair of any good course of reformation hereafter to be taken in these parts, when they shall see your honour's first acts, and the same of so great importance to their well doing, to receive so speedy and untimely an overthrow; and thereby a main wall as it were of corrupt magistrates set up here at home among us, against all good directions of your honours hereafter to be made from above.

These considerations, rt. honorable, have caused me to wish the Earl to want in this matter some part of his desire. Whom yet I honour many ways not unworthily: and so likewise many others, if such there be, that seek to have their private humours of singular sovereignty still nourished with public discommodity. Neither may your honour think that two, or but one more of his lordships counsel added (as it were but Mr. Halsall, or Mr. Farrington) to the commission, or Mr. Rigby of the quorum, shall work no great prejudice; for one bad man among many, not all good, shall be able to do no small hurt. Halsall is a lawyer, presented these last assizes as a recusant in some degree. Farrington is as cunning as he: not anything sounder in religion, tho' much more subtil to avoid the public note than he. Rigby is as cunning and unsound as either, and as grossly to be detected therein as Halsall. All three of them as buisy contrivers of dangerous devices against the peace of the ministry, and free course of the Gospel, and direct proceeding of justice, in all common opinion, as any that ever bore authority among us. If there were yet room for any more of his lordships counsel, it might rather be wisht that Mr. Tildesly or Mr. Scarsbrick, gentlemen of

best note among the rest, for honest and upright dealing in civil matters. But much rather to be wisht that his honour would be persuaded to hold himself sufficiently contented with those three of his counsil and chief about him, which your honour hath already unrequested freely given to his lordship, namely, Sir Peter Lee, Sir Richard Sherborn, and Mr. Rigby, all three of the same affection of the rest : and yet Rigby as discontented, and as presumptuously using his speech against your honour's former proceedings, as any that remain wholly expelled. But it may be that his honour, or some other, the rather to gain their purpose, shall bring in question the state of the present commission, in respect either of the whole body of the commissioners, or of the particular members therof. Wherefore I thought it also most expedient to lay forth unto your honour the sundry observations which I have made in this behalf. First for the whole body of the commissioners, they are so apportionably allotted to the Shire, as our store of sound men would any way afford. Five, or four, or three justices at the least unto every hundred : by means wherof every hundred hath his sufficient magistracy within itself, and every quarter sessions (entertaining the most of them two hundreds) a competent number of justices, and the general assizes a full furnished bench of worshipful gentlemen to countenance and attend that great and honourable service. Which appeared evidently in the ey of all men this late assizes, by the most plentiful concourse of all the gentlemen justices well affected, from all parts of the shire : providing thereby that neither the common service, specially laid upon them, should be disfurnished of due attendance, nor the discontented sort should obtain any just occasion to argue your honour's direction of insufficiency, or them of any neglect of duty. Where they employed themselves so thoroughly in the cause of religion, that then ensued a most plentiful detection of 600 recusants by oath presented ; as also the indictment of 87 of them (as many as for the time could be preferred to the jury). And further a notification by oath of 21 vagrant priests usually received in Lancashire ; and 25 notorious houses of receit for them. Such are the manifold commodities which we feel already of your honour's most sound direction. In respect wherof it is of all that desire reformation among us (as justice of her children) most confidently justified.

The only want in general is the want of sound gentlemen in most parts of the country, wherof (I assure myself) they that promote the office

against your honours direction will say little. Hereunto your honour conceived a most apt and necessary supply, namely, the attendances of the justices of Salford hundred at the quarterly sessions of other parts of the country worst affected. To which effect it is given out that your honour hath already sent down letters to the earl ; but, I fear me, his lordships absence, and the sinister emulation of some of his counsel, as, namely, of Mr. Farrington (as I certainly hear), will disappoint them of their due success. Wherefore it were good your honour's more especial letters were written to the gentlemen themselves, of whom I doubt not but they shall enjoy a most dutiful acceptance, and a most effectual regard to the great commodity of myself and others that dwell in the most desolate parts of the country, from all goodness and good men. Then for the particular gentlemen, by your honour's more particular direction assigned to this service ; as, namely, Mr. Warren and Mr. Talbot, most commodiously borrowed of the two countries next adjoining ; Mr. Banister and Mr. Hopwood, for their former most approved service put forward to the quorum ; Mr. Wrightington and Mr. Brodshaw, for the special benefit of the ministry most happily planted in the parts where they both dwell ; necessarily added ; Mr. Lancton, Mr. Eccleston, still retained in place, most disfurnished of able men for that service ; there is no exception to be taken, either for their gentry, livings, affections in religion, good discretion, and well furnished experience for all parts of the services. And so I beseech your honour to rest most resolute upon my poor credit with your honour ; which I be easily able to uphold in this matter with your honour ; with the most plentiful testimony and censure of my brethren, the preachers of the country, and of the gentlemen best affected in the commission, if your honour require it of me.

In the meantime I shall crave your honour to vouchsafe me your special letters unto them of encouragement and direction, by which they shall not a little be strengthened in the buisy charge they have in hand, for the suppressing of many ungodly enormities of the Sabbath, imposed upon them by my lords, the justices of assize, at the special instance of myself and some other of my brethren. Where I must not omit to signify unto your honour the special good countenance I enjoyed at their lordships hands ; being indeed the more favourably bestowed upon me, as upon special notice they had some way taken, and there openly professed, of your honours good favour towards me : whereupon, I

suppose, your honour shall gather convenient occasion to make your honourable good liking of their effectual proceedings this last assizes in the cause of religion to appear unto them. Whereby, no doubt, they shall receive no small encouragement to continue the same hereafter, to the great comfort of the true professors and faithful preachers. For the which I shall not cease to be thankful to the Lord, with all my brethren of the ministry, by which we shall enjoy a most sound means of thankfulness to your honour.

Concerning my proceedings with the commission ecclesiastical I have, according to your honour's direction, wholly possest Mr. Soliciter therewith. And he further required of me and Mr. Goodman a full advertisement of our manifold enormities, which by mutual conference with all my brethren I have readily furnished; and against the next week to attend the bishop and Mr. Solicitor by their appointment. I fear nothing therein but my lord of Derby his discontinuance, lest it breed some inconvenient delays. But your honour's continual presence and ready mind shall work us, I trust in the Lord, a more speedy dispatch.

Thus commending my humble duty to your honour, and your soul and spirit and body to the most comfortable presence of Christ's Spirit in you now and for ever, I humbly take my leave. From Wigan, the 7th day of September, 1587.

Your honour's most bounden in the Lord,

EDWARD FLEETWOODDE, pastor of Wigan."

The new commission of justices of the peace, to which this letter refers, was in addition to a commission ecclesiastical likewise sent down, to be put in execution,<sup>1</sup> in which Fleetwood seems to have also had a hand. Canon Raines, who quotes from the Cotton MSS.,<sup>2</sup> says that on the 5th of September (two days earlier than the previous letter) Fleetwood addressed a letter to Lord Burghley "touching the state of Lancashire," in which he complains of the recusants; and, quoting from Baines,<sup>3</sup> he adds, Fleetwood proposed that a new ecclesiastical commission should be issued, and that many of the lesser clergy and gentry from the

<sup>1</sup> Strype's *Annals*, vol. v. p. 702.

<sup>2</sup> *Stanley Papers*, part 2 (Chetham Tract xxxi.) p. 168; Cotton MSS. "Titus" 2.

<sup>3</sup> Baines' *Lancashire*, vol. ii. p. 264.



several hundreds of the county should be included in it, which proposition was so offensive to the Bishop of Chester, Lord Strange, Sir Richard Sherburne and the aristocratic conclave assembling at Knowsley and Alport Lodge,<sup>1</sup> on the ground that individuals of higher rank would refuse to act with the new Commissioners, that a remonstrance was sent to Lord Burghley, dated 22nd May, 1588, from Alport Lodge, which was, however, disregarded, and Mr. Fleetwood's advice preferred.

Strype tells us that soon after writing this letter Fleetwood, whom he calls "this active and worthy divine," was now about to accompany the Archbishop of York, and the solicitor and others to a sitting of the ecclesiastical commission for those parts, which abounded much with popish priests and jesuits and such as harboured them. And for their better proceeding in this commission, the lord treasurer had sent instructions to the said rector, which he was to communicate to the rest.<sup>2</sup>

The sentiment of freedom, implanted in the breast of every Englishman, and the anxiety which had been felt throughout the country while Philip was collecting forces for his long threatened invasion, threw religious controversy into the background for a while, and caused men of all religious views to vie with one another in furnishing ships and arms to repel the common enemy. The destruction of the proud Spanish Armada in 1588, in which the whole nation rejoiced, must have poured oil upon the troubled waters and caused a temporary diversion from the prosecution of religious rancour. But the respite was only for a short time. On 30th October, 1592, we find the Earl of Derby, lord lieutenant of Lancashire, writing to the lords of the privy council concerning the papists in that county, and giving directions for dealing with them. He concludes his letter by praying their lordships to credit "Mr. Fleetwood, parson of Weegan, a discreet and painful labourer in the church of God, who can truly make known unto

<sup>1</sup> Alport Lodge in Manchester was one of Lord Derby's Lancashire seats.

<sup>2</sup> Strype's *Annals*, vol. v. p. 704.

your lordships, upon demand, the state of this country and private affection of the most persons of account."<sup>1</sup> Fleetwood himself appears to have been the bearer of this epistle, for a copy of it is enclosed in a letter of the same date from the Earl of Derby to Sir Thomas Heneage, Vice-Chamberlain and Chancellor of the duchy of Lancaster, in which, after he had intimated its contents and his own "intent to have the presumption of public and secret papists being temporizers suppressed," he says, "for any particulars touching that sort of this county, this bearer, Mr. Fleetwood, parson of Weegan, a discreet and learned preacher, can inform you truly, whom you may believe."<sup>2</sup>

From the expression used by Fleetwood in one of his letters to Lord Burghley, in which he speaks of himself as dwelling in a desolate part of the county, "from all goodness and good men," it would seem as if he had not carried his neighbours and parishioners at Wigan along with him in his political views. Indeed we know from a schedule of names given in 1590, in a "Vewe of y<sup>e</sup> state of y<sup>e</sup> countie Palatine of Lanc., both for Religion and Civil Governmēt," preserved among the State Papers,<sup>3</sup> that most of the leading gentry in or near Wigan were either ill-affected or indifferent to the reformed religion. Of Sir Thomas Gerrarde of the Brynne, knight, Thomas Langton, baron of Newton, Myles Gerrarde of Ince, Esq., and Roger Bradshaw of Haigh, Esq., among the knights and esquires in the commission of the Peace, it is said that, though in some degree of conformitie, yet in general note they were of evil affection in religion, were non-communicants, and the wives of most of them were recusants; and among the "gentlemen of the better sorte" Edward Langton of Hyndley, in Wigan parish, was a "recusant and of such indicted." Roger Rigbie of Blackleyhurst, John Ashton of Bamfurlong, senior, . . . Ashton, his son and heir, Myles Ince of Ince, Rauffe Worseley of Pemberton, Richard

<sup>1</sup> Strype's *Annals*, vol. vii. p. 183.

<sup>2</sup> *Ibid.*, p. 184.

<sup>3</sup> Dom. Ser. Eliz. vol. ccxxxiv. No. 4; quoted in *Lydiat Hall*, p. 243.

Molyneux of Hawkey, Rauffe Houghton of Kirckeleys, all in the parish of Wigan, were "comers to church, but no communicants, and their wives very little better than recusants." Only Robert Hyndley of Hyndley, Roger Bradshaw of Aspull, John Byllinge of Byllinge, and Will. Ashurst of Ashurst, among the parishioners of Wigan are described as being "soundly affected in religion." While it is said that all the ladies, widows and gentlewomen whose names are given, among whom are Annie Langton, wife of Thomas Langton, baron of Newton, and Johane Lethwet of Pemberton in Wigan parish, are recusants.

Fleetwood's intolerance of the religious views of others will have doubtless made him many enemies. On one occasion the following abusive letter, written by some seminary priest or popish recusant, was thrown into his seat in church:—

"I.H.S.—Edward Fletewood, parson of Wigane I heaire of yo<sup>r</sup> Invious Hereticall words againste our Feathe that I canot stay my pen from writing unto youe to commaunde you to leaffe blasfeminge againste thees our Catholike Feath or eles yo<sup>w</sup> will drink of Joudas sope, moreover if yo<sup>r</sup> hereticall mind will not be stayed againste or Feathe I most nide a counte yo<sup>w</sup> woorse then the Rovinge Souldeerse that Persequed Christe for they would stint vntell the had Christ for to persecut him therfore I most nyde account yo<sup>w</sup> one of those becauc yo<sup>u</sup> will never stintt vntell that you hav persecuted the poore Catholick. And Againe it is very on naturall a speretuell m<sup>a</sup>e so to forswere him self<sup>t</sup> in so indetinge so many of yo<sup>r</sup> town wiche ar as good Goers to the Church as you ar therfore I most nide Account yo<sup>u</sup> worse then Jou or turke or Infideile. I worse then A doupe thinge In so For swer Ringe yo<sup>r</sup> selfe, I if tyme and plase did so Requer I could so proff it therfor Reste w<sup>th</sup> this and be contented and I will writt vnto yo<sup>u</sup> her After. G.C." Indorsed: "L're intercepted Pap."

This letter is preserved in the Harleian MSS.,<sup>2</sup> and entitled "A strange libel thrown into the pew of the Rev. Edward Fleetwood, parson of Wigan, about 1596." From the marginal

<sup>1</sup> Against this is written, in the margin, "I was not sworn."

<sup>2</sup> Harl. MSS., *Codex* 286, as quoted by Baines, *Hist. Lanc.*, vol. iii. p. 543.

note it must have been preserved amongst Mr. Fleetwood's papers, or sent by him to the authorities in London.

The town of Wigan at this period was progressing in civilization and its attendant luxuries; and Holinshed, in his Itinerary from Cockermouth to London, enumerates, amongst other places, Kendal, Burton, Lancaster, Preston, Wigan, and Warrington, where the inns were well furnished with "napierie, bedding, and tapisserie. Each commer," says he, "is sure to lie in cleane sheets wherein no man hath been lodged since they came from the landresse. If the traveller haue an horse, his bed dooth cost him nothing, but if he go on foot he is sure to paie a penie for the same: but whether he be horsman or foote, if his chamber be once appointed, he may carie the kaie with him, as of his owne house, so long as he lodgeth there."<sup>1</sup>

In 1590 there were 3,000 communicants at Wigan parish church, the parson, Edward Fleetwood, was "a preacher," as also was another minister whose name is not given. At the two chapels of Holland and Billinge there were no preachers.<sup>2</sup>

At the visitation of David Yale, LL.D., chancellor of the diocese of Chester, 19th September, 1598, the charge against the wardens of Billinge chapel is that the chapel was out of repair, that there were no books but a Bible of the largest volume. They had never levied the forfeiture of 12d. for every one absent from the church service. There were no collectors for the poor. Very few received [the Holy Communion] thrice yearly, but warnings were generally given. The charge against the curate is, that he is "no minister, but one licensed to reade. *Comp'uit, et tolleratur, et dimittitur.*" The charge against the parishioners is, that they "cannot saie the catechism when they come to the communion and [there are] manie that cannot say the creed, the Lord's prayer and ten commandments."

As to Holland chapel in the parish of Wigan, the charge against the parish (or chapelry) itself is that there is no

<sup>1</sup> Baines' *Lanc.*, vol. i. p. 578.

<sup>2</sup> *Lydiat Hall*, p. 248.

curate there, "though by Mr. Fleetwood's means they have never wanted service on the Sabbaoth daie." Against the wardens there it is charged that there are "no books but the Booke of Comon praier, and the Byble web is ould and torne." There is "a table, but an yll favored one, no comunion cup of silver; no blacke coveringe for the Comunion Table; no cheste, nor Boxe for the Poore. The surples [is] verie olde. One Mr. Mosse hath done service for the space of a moneth, but [is] not licensed. The catechisme [is] not used. Manie receive the communion that cannot saie the catechisme. The Register Book [is] of late years. The forfeiture of 12<sup>d</sup> [was] not collected from the absent<sup>s</sup> from church."

There is a charge against Henry Sankie and William Mosse, clerks, "for playing at Tables<sup>1</sup> upon the Sabbaoth daie and, as it is thought, all the weeke longe." Mosse and Sankie appeared at the visitation, and the chancellor enjoined them that thereafter "they do not plaie att Tables, and because ytt appeareth they plaied upon the Saboth daie and wel most too other daies" they are respited to the lord bishop.

There is a charge against William Smallshaw<sup>2</sup> of Holland "for speaking openlye in the church to the churchwardens theis words, 'what [for] due you suffer yonder Red-headed fellow to bee in the pulpitt or to saie service w<sup>th</sup>out a surplus, to the great

<sup>1</sup> The game "at Tables" is now better known by the name of Backgammon. In Latin it is called *Tabularum ludus*, and in French *Tables*. It was a very common amusement at the commencement of the last century, and pursued at leisure times by most people of opulence, especially by the clergy, which occasioned Dean Swift, when writing to a friend of his in the country, sarcastically to ask the following question: "In what esteem are you with the vicar of the parish; can you play with him at *back-gammon*?" (Strutt's *Sports and Pastimes of the English People*, ed. of 1801, pp. 238, 240).

<sup>2</sup> The Smallshawes appear to have been hereditary offenders, for on 20th December, 1620, George Smallshaw and William Bigbie [Rigby?] of Holland, were presented "for sellinge meate upon the Saboth daie." The judge ordered them not even to expose it for sale on that day, under pain of excommunication, and to acknowledge their offence before minister and churchwardens, and they to certify the performance thereof under their hands. (*Liber correct. Cestr.* quoted in Raines' MSS.)

disturbance of the congregation?' and soon after went [he] out of the church." Smallshaw appeared to answer the charge, and "for that he confesseth hee gave the lyke words the Judge hath enjoined hym to confes his falte in Holland Church and to ask forgiveness of Robert . . . . curate who hee called Red-headed fellowe at service time,—*sub pœna excom.*" Ludovic Asmall is likewise charged with "being out of the church at service tyme, and being required to come in [he] answered he had been at service and would come no more except he [the curate] wore the surples." He too appeared before the chancellor, who enjoined him "that he give the curate no such words hereafter, *sub pœna excom.*"

The curate of the parish church at Wigan, [Robert] Thompson was at the same time charged that he "did reade service divers times, and doth usuallie, contrarie to the Book of Comon prayer, [and] doth not saie service neither Wednesdaie nor Frydaie."<sup>1</sup>

As to parson Fleetwood, however we may deprecate his intolerance of the conscientious opinions of others and his officious pertinacity in hunting out and denouncing those who would not conform to the reformed religion, we must acknowledge that he had the courage of his opinions, whether in matters of religion or civil policy, and he certainly stood up manfully for the temporal rights of his church against powerful opponents. He was a very active magistrate, and one of the most influential of the political clergy of his day. Moreover he was an able preacher, and appears to have been respected as a divine by his bishop and by the laity of the reformed church. We find him to have been a frequent visitor at the house of the Earl of Derby, who always speaks of him with respect, and he seems to have occupied a good position in the county.

He was a married man; and probably the first married rector of Wigan, unless we except the volatile Standish, who may perhaps have been a married man during the few months he was rector of that parish. Mr. Earwaker, who has made large

<sup>1</sup> Canon Raines' MSS., vol. xxii, p. 184; from the records of proceedings in the Ecclesiastical Court Chester.

collections for the history of the Fleetwood family in all its many branches, informs me that Edward Fleetwood married Christian, daughter of Paul Wentworth of Lillington, in the county of Bucks, Esq., by whom he left surviving issue, Edward Fleetwood, who subsequently lived at Samlesbury, in the county of Lancaster, Bridget and Dorothy. The names of several of his children occur in the baptismal register as having been christened at Wigan, namely, "Theodor Fleetwoode f. E. f'woode baptized 6th August, 1591;" "Christian Fleetwoode f. E. ff. baptized 29th March, 1593," who was buried at Wigan 13th November, 1599; and "Dorothie daughter of Edw. fletwood pastor of Wigan baptized 20th Maie, 1599."<sup>1</sup>

Parson Fleetwood died in June, 1604. The benefice was void before the 29th of June in that year.<sup>2</sup> As the record of his burial is not to be found in the Wigan register, it is probable that he died suddenly in London; for on 2nd May, 1604, it is recorded that "a petition by Egerton, *Fleetwood*, Wooton, Clark and others, for reformation of the Book of Common Prayer [was] imparted to the Lower House [of Convocation] *in presence of the petitioners*;"<sup>3</sup> and at Somerset House there is an administration of the goods of Edward Fleetwood, of London, in July of that year, which probably refers to the rector of Wigan.<sup>4</sup>

His wife, Mrs. Christian Fleetwood, survived him, and was living in August, 1618.<sup>5</sup>

Dame Dorothy Legh of Worseley, relict of Sir Peter Legh of Lyme, in the county of Chester, in her will dated 8th February, 1638-9, leaves legacies to Mr. Edmund (? Edward) Fleetwood and to Mrs. Dorothie Fleetwood, daughter to the parson of Wigan, who were two of her godchildren.<sup>6</sup>

<sup>1</sup> Wigan Par. Register. The oldest register Book at Wigan commences with the year 1580.

<sup>2</sup> Bridgeman evidences at Weston.

<sup>3</sup> Strype's *Annals*, vol. vii. p. 553. The first session of this Convocation was begun at St. Paul's the 20th of March, 1603, *A<sup>o</sup> 1.<sup>o</sup> Jacobi, sede archiepiscopi vacante.*

<sup>4</sup> *Ex. inf.* J. P. Earwaker, Esq.

<sup>5</sup> Bishop Bridgeman's Wigan Ledger.

<sup>6</sup> *Ex. inf.* J. P. Earwaker, Esq.

Parson Fleetwood died in May or June, 1604 ; and on the 21st June of that year the benefice was sequestered into the hands of Alexander Ford, Alexander Lathwait, William Crampton and Matthew Travis to preserve the fruits for the next incumbent. On the 6th October following Brian S. Vincente, clerk, *Sacrae Theologiae baccalaureus*, personally appeared before Richard [Vaughan], bishop of Chester, and proffering the letters of presentation of [John] Sueting and William Hobbes to the rectory and parish church of Wigan, dated 30th August, 1604, sought to be admitted by virtue of the said presentation ; whereupon the bishop replied that he must take time for consideration until the King's pleasure was made known to him in accordance with the King's command.<sup>1</sup>

It appears that Sir Thomas Langton, by certain indentures, had mortgaged the advowson of the parsonage of Wigan to John Sweetinge and William Hobbes, with a reservation of certain powers of redemption ; but this mortgage was more or less affected by subsequent transactions between the said Sir Thomas and one John Lacy, citizen and grocer of London. Sir Thomas Langton was still living at the time of parson Fleetwood's death, though he died within a year afterwards, and it is probable that on the avoidance of the rectory neither Sweetinge and Hobbes, nor any one else, could make out a clear title to the patronage. This will have afforded the King a pretext for stepping in, and the result was that Brian S. Vincent's claim was rejected and the King's nominee accepted by the bishop.

GERARD MASSIE, clerk, *Sacrae Theologiae baccalaureus*, presented himself before the bishop on the 9th October, 1604, and sought admission to the rectory and parish church of Wigan, vacant by the death of Edward Fleetwood the late rector, by virtue of the presentation of King James I., given under the great seal on 17th July, 1604. He was accordingly admitted and

<sup>1</sup> Chester Diocesan Register.



instituted on the 12th October of that year;<sup>1</sup> and he paid his first-fruits on 23rd February, 1605.

Gerrard Massie was the son of William Massie, alderman of Chester, by his wife Alice, daughter of Thomas Bavand of Chester, and grandson of Richard Massie of Grafton, in the county of Chester.<sup>2</sup> He inherited the manor of Grafton, which he sold in 44 Elizabeth to Sir Peter Warburton, Justice of the Queen's Bench, together with Grafton Hall, 16 messuages, 16 gardens, and 940 acres of various kinds of lands in Grafton, Golborne-Belleau, Broxton, Milton, &c.<sup>3</sup>

Gerard Massie was of Brazen-nose College, Oxford, where he was admitted Bachelor of Arts, 7th February, 1591-2.<sup>4</sup> He was made proctor 22nd April, 1601,<sup>5</sup> was styled LL.D. in 1606,<sup>6</sup> and made Doctor of Divinity 11th March, 6 Jac. I., 1608-9.<sup>7</sup> He married Eleanor, daughter of Henry Hardware of Peele.<sup>8</sup>

At the time of the bishop's visitation in 1609, Mr. Doctor Massie was rector of Wigan, and Mr. Reynolds was his curate there, Mr. George Bordman was then master of the Grammar School at Wigan, Mr. Edward Tempest curate at Upholland, and Mr. Richard Bolton reader at Billinge.<sup>9</sup>

On the death of bishop George Lloyd in 1615, Gerard Massie was nominated by the King to the bishoprick of Chester, but on going up to London to settle matters with respect to his consecration he died there on the 17th<sup>10</sup> of January, 1615-16, and was buried in the church of St. Mary le Savoy<sup>11</sup> without any memorial.<sup>12</sup>

<sup>1</sup> Chester Diocesan Register.

<sup>2</sup> Ormerod's *Cheshire*, vol. ii. pp. 387, 388 (vol. ii. p. 706 in Helsby's ed.) Arms of Massie of Grafton: *Quarterly gules and Or, in the 1st quarter a lion passant argent, for a difference a trefoil vert* (Ormerod's *Cheshire*).

<sup>3</sup> *Ibid.*, p. 386.

<sup>4</sup> *Fasti Oxonienses*, vol. i. p. 254.

<sup>5</sup> *Ibid.*, p. 290.

<sup>6</sup> Canon Raines' MSS., vol. xxii. p. 66.

<sup>7</sup> *Fasti Oxonienses*, vol. i. p. 327.

<sup>8</sup> Ormerod's *Cheshire*, vol. ii. p. 387.

<sup>9</sup> Canon Raines' MSS. vol. xxii.

<sup>10</sup> Wigan Parish Register.

<sup>11</sup> Ormerod's *Cheshire*, vol. ii. p. 387. The date of his death is given by Ormerod as the 16th January.

<sup>12</sup> Hist. Chester, Lond. Egerton, Whitehall, 1793; and Wigan Parish Register.





